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No. 2:18-cv-02347-MTL**

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EXHIBIT 1

Transcript of the Testimony of

Johnny Wheatcroft

January 20, 2021

Wheatcroft v. City of Glendale

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UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

Johnny Wheatcroft and Anya)
Chapman, as husband and wife,)
and on behalf of minors J.W.)
and B. W.,)

Plaintiffs,)

vs.)

No. 2:18-cv-02347-MTL

City of Glendale, a municipal)
entity; Matt Schneider, in his)
official and individual)
capacities; Mark Lindsey, in)
his official and individual)
capacities; and Michael)
Fernandez, in his official and)
individual capacities,)

Defendants.)

THE DEPOSITION OF JOHNNY WHEATCROFT
(Video Recorded)

Tucson, Arizona
January 20, 2021
9:13 a.m.

(ORIGINAL)

PREPARED FOR:

DISTRICT COURT

REPORTED BY:

Herder & Associates

Marty Herder, CCR, CSR

Certified Court Reporter

AZ-CR No. 50162

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<p style="text-align: right;">30</p> <p>1 Q. Okay.</p> <p>2 So the first count in the complaint, it starts,</p> <p>3 just to let you know, on Page 8.</p> <p>4 Do you see that?</p> <p>5 I know it's a little tedious because of your setup</p> <p>6 there, so take your time.</p> <p>7 A. Yeah, I do.</p> <p>8 Q. Okay.</p> <p>9 And that, that count is for excessive force --</p> <p>10 A. Yeah.</p> <p>11 Q. -- is that right?</p> <p>12 Okay.</p> <p>13 Now, we're going to spend the majority of our time</p> <p>14 today discussing issues regarding that, but I want to move</p> <p>15 to a couple of other claims and see if we can discuss those</p> <p>16 first. Okay?</p> <p>17 A. Okay.</p> <p>18 Q. All right.</p> <p>19 So count two is also in this complaint, and it's</p> <p>20 on Page 10.</p> <p>21 Do you see that?</p> <p>22 A. Yes.</p> <p>23 Q. And it's-- it's entitled retaliation in violation</p> <p>24 of the First Amendment.</p> <p>25 Do you see that?</p>	<p style="text-align: right;">31</p> <p>1 A. Yes.</p> <p>2 Q. Okay.</p> <p>3 That is against Officer Schneider only; right?</p> <p>4 A. Yes.</p> <p>5 Q. Who do you understand Officer Schneider to be,</p> <p>6 which was the officers?</p> <p>7 A. He was the one that grabbed me by my arm.</p> <p>8 Q. Okay.</p> <p>9 Was he the officer that approached the -- the car</p> <p>10 that you were in in the Motel 6 parking lot --</p> <p>11 A. Yes.</p> <p>12 Q. -- on the date of the incident?</p> <p>13 A. Yes.</p> <p>14 Q. Okay.</p> <p>15 So basically there's paragraphs in this, but in --</p> <p>16 on the next page, on Page 11, paragraph 74.</p> <p>17 A. Yes.</p> <p>18 Q. Okay. You're there?</p> <p>19 In that, in that paragraph you claim that</p> <p>20 Defendant Schneider had retaliatory animus toward</p> <p>21 plaintiff Johnny Wheatcroft's lawful speech and he urged</p> <p>22 prosecution of plaintiff Johnny Wheatcroft despite the</p> <p>23 absence of probable cause.</p> <p>24 Do you see that?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">32</p> <p>1 Q. Did I read that correctly?</p> <p>2 A. Yes.</p> <p>3 Q. Good. I got something right today.</p> <p>4 So you claim that your First Amendment rights were</p> <p>5 violated; is that right?</p> <p>6 A. Yes.</p> <p>7 Q. Okay.</p> <p>8 Could you tell me each and every fact that you</p> <p>9 have to support that claim?</p> <p>10 A. Yeah.</p> <p>11 MS. BROADDUS: Just, just to be clear. Anything</p> <p>12 that you and I have talked about is not part of that, so you</p> <p>13 don't have to disclose that.</p> <p>14 If you have something independent of our</p> <p>15 conversations and our -- what we've talked about, then you</p> <p>16 can answer that.</p> <p>17 Only those portions. Okay?</p> <p>18 BY MR. POPOLIZIO:</p> <p>19 Q. So, so just so that I might add something.</p> <p>20 I don't want -- like, when I'm asking you</p> <p>21 questions, I'm never asking you a question to find out what</p> <p>22 you've talked about with counsel.</p> <p>23 A. Right, right, right.</p> <p>24 Q. Okay?</p> <p>25 That's privileged, and I'm not going there.</p>	<p style="text-align: right;">33</p> <p>1 So when I ask you questions it's, you know, you</p> <p>2 can give me from your knowledge, I just don't want to say --</p> <p>3 I don't want to hear you say my attorney told me or my</p> <p>4 attorney said --</p> <p>5 A. Yeah, yeah.</p> <p>6 Q. -- unless it's an appropriate issue. But probably</p> <p>7 it's not going to be. Okay?</p> <p>8 A. Right.</p> <p>9 Q. So, again, in terms of paragraph 74 to the</p> <p>10 complaint, could you give me each and every fact that you</p> <p>11 claim supports your contention that Defendant</p> <p>12 Officer Schneider had retaliatory animus towards your lawful</p> <p>13 speech.</p> <p>14 MS. BROADDUS: And, again, I'm going to object to</p> <p>15 the extent that you and I talked about the facts that were</p> <p>16 related to that claim and to that statement.</p> <p>17 Anything that you have outside of that, you can</p> <p>18 answer.</p> <p>19 THE WITNESS: Yeah, I have nothing then. I got</p> <p>20 nothing.</p> <p>21 BY MR. POPOLIZIO:</p> <p>22 Q. You have no facts to support that claim?</p> <p>23 MS. BROADDUS: Object to form.</p> <p>24 THE WITNESS: I don't understand.</p> <p>25</p>

<p style="text-align: right;">34</p> <p>1 BY MR. POPOLIZIO:</p> <p>2 Q. Well, you -- when you bring claims against some --</p> <p>3 somebody --</p> <p>4 A. Yeah, yeah. I know. I understand that.</p> <p>5 Q. You have to have a basis --</p> <p>6 A. Yeah.</p> <p>7 Q. Let me, let me finish for a second.</p> <p>8 You have to have a basis, a factual basis, for the</p> <p>9 claims. Okay?</p> <p>10 A. Yes.</p> <p>11 Q. So I'm asking you what is your factual basis for</p> <p>12 the claim that Defendant Schneider had retaliatory animus</p> <p>13 toward you, your lawful speech?</p> <p>14 MS. BROADDUS: I'm going to object again only to</p> <p>15 the extent that you have facts that were discussed outside</p> <p>16 of our relation -- our attorney-client relationship that</p> <p>17 talked about the relationship to this claim and what you</p> <p>18 were alleging in the complaint.</p> <p>19 THE WITNESS: Okay.</p> <p>20 I'm still confused. I'm not sure if I -- what if</p> <p>21 I am answering, like, what I . .</p> <p>22 So, what I'm claiming is that he violated my</p> <p>23 rights because he not only tried to force me into giving him</p> <p>24 my ID but he also incarcerated me without any probable</p> <p>25 cause.</p>	<p style="text-align: right;">35</p> <p>1 BY MR. POPOLIZIO:</p> <p>2 Q. And is that the basis for your claim that he had</p> <p>3 retaliatory animus toward your lawful speech?</p> <p>4 MS. BROADDUS: I'm going to object again to the</p> <p>5 extent that this relates to the -- our communications and</p> <p>6 relates to things that we discussed as to the basis of your</p> <p>7 claims and what you're alleging, then that is</p> <p>8 attorney-client privilege.</p> <p>9 And if you have something outside of that, you can</p> <p>10 go ahead and answer that.</p> <p>11 THE WITNESS: No, I don't.</p> <p>12 MR. POPOLIZIO: Okay.</p> <p>13 THE WITNESS: That's it.</p> <p>14 MR. POPOLIZIO: Okay.</p> <p>15 Okay. And I just want to state for the record,</p> <p>16 Jody, that I -- I'm well aware and I've stated on the record</p> <p>17 that I'm not looking for attorney-client privilege</p> <p>18 communications.</p> <p>19 However, if there, if there were necessarily</p> <p>20 within that relation you're going to have to discuss facts.</p> <p>21 I don't want to know what facts you discussed. I just want</p> <p>22 to know the facts that he bases his claims. That's all.</p> <p>23 Okay?</p> <p>24 MS. BROADDUS: Well --</p> <p>25 MR. POPOLIZIO: I just wanted to make that clear.</p>
<p style="text-align: right;">36</p> <p>1 MS. BROADDUS: I understand what you're staying,</p> <p>2 but what you're also doing is you're asking him to give his</p> <p>3 legal opinion as to what facts relate to this issue, which</p> <p>4 is something that we've talked about.</p> <p>5 If you want to ask him facts about what happened</p> <p>6 and what occurred, that's fine. But if you're asking him in</p> <p>7 a legal sense saying what facts form the basis for your</p> <p>8 claims, that gets into things that we've talked about</p> <p>9 relating claims to facts.</p> <p>10 MR. POPOLIZIO: Actually it's no different than</p> <p>11 asking a contention interrogatory. But I'm going to -- I'm</p> <p>12 going to continue because every plaintiff has to know the</p> <p>13 factual basis of the claim.</p> <p>14 BY MR. POPOLIZIO:</p> <p>15 Q. So, you've answered my question fully?</p> <p>16 A. Yes.</p> <p>17 Q. Do you have anything to add?</p> <p>18 A. No.</p> <p>19 Q. Okay.</p> <p>20 All right. And then the second part of that</p> <p>21 paragraph says that he, meaning Officer Schneider, right,</p> <p>22 urged prosecution of you, plaintiff Johnny Wheatcroft,</p> <p>23 despite the absence of probable cause.</p> <p>24 Do you see that?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">37</p> <p>1 Q. Okay.</p> <p>2 So is it your claim that there are no probable</p> <p>3 cause for your arrest?</p> <p>4 A. Yes.</p> <p>5 Q. Okay.</p> <p>6 Now, you were -- you were indicted after this</p> <p>7 incident; right?</p> <p>8 A. No.</p> <p>9 Q. You were not indicted?</p> <p>10 A. No.</p> <p>11 Q. Okay.</p> <p>12 Let's show you what's been marked as Exhibit 75 to</p> <p>13 your deposition.</p> <p>14 (Deposition Exhibit No. 75 was marked for</p> <p>15 identification by the reporter.)</p> <p>16 BY MR. POPOLIZIO:</p> <p>17 Q. Just look at that document.</p> <p>18 A. I've seen it.</p> <p>19 Q. Have you ever seen this document before?</p> <p>20 A. No, I never received them.</p> <p>21 Q. Okay.</p> <p>22 And it's entitled, as you can see here,</p> <p>23 indictment.</p> <p>24 Do you see that?</p> <p>25 A. I see it, yes.</p>

<p style="text-align: right;">38</p> <p>1 Q. And underneath there's some numbers and letters.</p> <p>2 Do you see that those?</p> <p>3 A. Yes.</p> <p>4 Q. And there's 698 GJ 662?</p> <p>5 A. Yes.</p> <p>6 Q. Okay.</p> <p>7 And under there, there are -- it indicates there</p> <p>8 are three counts.</p> <p>9 Do you see that?</p> <p>10 A. Yes.</p> <p>11 Q. Count one; right?</p> <p>12 A. Yes.</p> <p>13 Q. Count two; right?</p> <p>14 A. Yes.</p> <p>15 Q. And then count three; right?</p> <p>16 A. Yes.</p> <p>17 Q. So count one is, as it says here, it's against</p> <p>18 Anya Ann Chapman; right?</p> <p>19 A. Yes.</p> <p>20 Q. Okay.</p> <p>21 But count two is for aggravated assault.</p> <p>22 Do you -- assault. Do you see that?</p> <p>23 A. Yes.</p> <p>24 Q. Okay.</p> <p>25 And that it says is a Class 5 felony.</p>	<p style="text-align: right;">39</p> <p>1 Do you see that?</p> <p>2 A. Yes.</p> <p>3 Q. Okay.</p> <p>4 And after that in parens is your name, Johnny</p> <p>5 Wheatcroft; correct?</p> <p>6 A. Yes.</p> <p>7 Q. Okay.</p> <p>8 So, so did you have any knowledge that you have --</p> <p>9 you had been indicted for aggravated assault arising from</p> <p>10 this incident?</p> <p>11 A. No.</p> <p>12 Q. Okay.</p> <p>13 This is the first time you're hearing -- hearing</p> <p>14 about it is today?</p> <p>15 A. Yes.</p> <p>16 Q. Okay.</p> <p>17 And the next is count three; right?</p> <p>18 A. Yes.</p> <p>19 Q. And it says resisting arrest.</p> <p>20 Do you see that?</p> <p>21 A. Yes.</p> <p>22 Q. And after that it says a Class 6 felony.</p> <p>23 Do you see that?</p> <p>24 A. Yes.</p> <p>25 Q. And in parens after that there are two names;</p>
<p style="text-align: right;">40</p> <p>1 correct?</p> <p>2 A. Yes.</p> <p>3 Q. And the first name is Anya Ann Chapman; right?</p> <p>4 A. Yes.</p> <p>5 Q. And the second name is Johnny Wheatcroft?</p> <p>6 A. Yes.</p> <p>7 Q. All right.</p> <p>8 So have you until -- up till today, did you</p> <p>9 realize that you had been indicted for resisting arrest</p> <p>10 arising out of this incident?</p> <p>11 A. No. I don't remember being indicted.</p> <p>12 Q. If you turn to the second page -- are you there?</p> <p>13 A. Yes.</p> <p>14 Q. When you look, it says count two. Do you see that</p> <p>15 right in the middle of the page?</p> <p>16 A. Yes.</p> <p>17 Q. And that, that paragraph there, have you ever read</p> <p>18 that paragraph at all?</p> <p>19 A. No.</p> <p>20 Q. Okay. Because you've never seen this document;</p> <p>21 right?</p> <p>22 A. No.</p> <p>23 Q. Okay.</p> <p>24 So the paragraph there under count where it says</p> <p>25 count two, says: Johnny Wheatcroft, on or about July 26th,</p>	<p style="text-align: right;">41</p> <p>1 2017, knowing, or having reason to know, that Matthew</p> <p>2 Schneider was a peace officer, or a person summoned and</p> <p>3 directed by a peace officer engaged in the execution of any</p> <p>4 official duties or if the assault resulted from the</p> <p>5 execution of the peace officer's official duties, knowingly</p> <p>6 did touch Matthew Schneider, a peace officer engaged in</p> <p>7 official duties, with the intent to injure, insult, or</p> <p>8 provoke him in violation of A.R.S. sections 13-1203,</p> <p>9 13-1204, 13-701, and 13-801.</p> <p>10 Did I read that correctly?</p> <p>11 A. You forgot the 702, but yes.</p> <p>12 Q. Ah. Thank you for very much.</p> <p>13 13-702.</p> <p>14 Thank you. I -- I didn't realize I skipped that</p> <p>15 but I do thank you for that.</p> <p>16 So, now that we corrected that, did I generally</p> <p>17 read that, what it said there?</p> <p>18 A. Yes.</p> <p>19 Q. Okay.</p> <p>20 And did you know that you were indicted for</p> <p>21 knowingly touching Matthew Schneider, a peace officer</p> <p>22 engaged in his official duties?</p> <p>23 A. No.</p> <p>24 Q. Okay.</p> <p>25 But you did know that you were arrested for that;</p>

<p style="text-align: right;">42</p> <p>1 right?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. You just didn't know you were indicted for</p> <p>4 that?</p> <p>5 A. Right.</p> <p>6 Q. Okay.</p> <p>7 In terms of count three -- well, let -- let's go</p> <p>8 back.</p> <p>9 We've already established, and, and I read a date</p> <p>10 in the above paragraph under count two, the date of July 26,</p> <p>11 2017; right?</p> <p>12 A. Yes.</p> <p>13 Q. And that's the date of this incident; right?</p> <p>14 A. Yes.</p> <p>15 Q. Okay.</p> <p>16 So in count three, when we look at the paragraph</p> <p>17 below, it says Anya Chap -- Anya Ann Chapman and Johnny</p> <p>18 Wheatcroft, on or about July 26, 2017, intentionally</p> <p>19 prevented or attempted to prevent Glendale peace -- police</p> <p>20 officers Mark Lindsey and/or Matthew Schneider and/or</p> <p>21 Michael Fernandez, a person or persons reasonably known to</p> <p>22 him/her to be a peace officer or officers, acting under</p> <p>23 color of his/their official authority, from effecting an</p> <p>24 arrest by using or threatening to use physical force against</p> <p>25 the peace officer or officers, in violation of</p>	<p style="text-align: right;">43</p> <p>1 A.R.S. sections 13-2508, 13-301, 13-302, 13-303, 13-304,</p> <p>2 13-701, 13-702, and 13-801.</p> <p>3 Did I read that correctly?</p> <p>4 A. Yes.</p> <p>5 Q. Okay.</p> <p>6 That was a mouthful.</p> <p>7 And, and, again, did you have any idea until today</p> <p>8 that you had been indicted for resisting arrest?</p> <p>9 A. No.</p> <p>10 Q. And that you had been charged and indicted under</p> <p>11 the statutes that are listed in paragraphs -- the paragraphs</p> <p>12 that I read under count two and count three?</p> <p>13 A. No.</p> <p>14 Q. Okay.</p> <p>15 Do you know what -- what it means to be indicted?</p> <p>16 A. Just means it's brought in front of a, a, a judge</p> <p>17 and some peers, and they vote on if they think there's</p> <p>18 another probable cause to convict somebody or not.</p> <p>19 Q. Okay.</p> <p>20 That's actually a pretty good -- that's a pretty</p> <p>21 good definition, probably more than most know and certainly</p> <p>22 most first year law students even know.</p> <p>23 So, this matter or the charges against you were</p> <p>24 brought in front of a Grand Jury.</p> <p>25 You understand that; right?</p>
<p style="text-align: right;">44</p> <p>1 A. Yes.</p> <p>2 Q. And the Grand Jury returned the indictments that I</p> <p>3 read to you?</p> <p>4 A. Yes.</p> <p>5 Q. And you understand that; right?</p> <p>6 A. Yes.</p> <p>7 Q. Okay.</p> <p>8 And -- and you said, and that's why I commended</p> <p>9 you on knowing this, that it's basically when the indictment</p> <p>10 comes down, so to speak, it's an indication of probable</p> <p>11 cause?</p> <p>12 A. Yes.</p> <p>13 MS. BROADDUS: Object to form, foundation.</p> <p>14 BY MR. POPOLIZIO:</p> <p>15 Q. Okay. All right.</p> <p>16 So, but, I mean, until today going over this, you</p> <p>17 didn't know about this indictment?</p> <p>18 A. No. I was already in jail for those, those, those</p> <p>19 charges.</p> <p>20 Q. Were you represented though by criminal counsel</p> <p>21 for charges against you arising from this incident?</p> <p>22 A. I seen him one time.</p> <p>23 Q. So you just had -- you had like a public defender?</p> <p>24 A. A public defender, I seen him one time when they</p> <p>25 were dismissing me.</p>	<p style="text-align: right;">45</p> <p>1 Q. Okay. All righty.</p> <p>2 From time to time, I'll go through, look at my</p> <p>3 notes, and cross it off so I don't ask you again. Okay?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. So, put the indictment, Exhibit 75, to the</p> <p>6 side a second.</p> <p>7 A. Yes.</p> <p>8 Q. We'll go back to Exhibit 74. All right?</p> <p>9 Okay. On Exhibit 74, which is the second amended</p> <p>10 complaint, could you look at paragraph 75, please?</p> <p>11 A. Yes.</p> <p>12 Q. Okay.</p> <p>13 And in that paragraph it states:</p> <p>14 Defendant Schneider's retaliatory conduct in attacking,</p> <p>15 assaulting, and torturing a person who simply asked for the</p> <p>16 basis for requesting identification and stating that he/she</p> <p>17 had done nothing wrong, would chill any reasonable person of</p> <p>18 ordinary firmness in their exercise of their First Amendment</p> <p>19 rights.</p> <p>20 Did I read that correctly?</p> <p>21 A. Yes.</p> <p>22 Q. Okay.</p> <p>23 So, is, is it your claim that Officer Schneider</p> <p>24 attacked, assaulted, and tortured you simply because</p> <p>25 you asked for the basis of his request for -- to -- for</p>

<p style="text-align: right;">46</p> <p>1 your ID?</p> <p>2 A. Yes.</p> <p>3 Q. Okay.</p> <p>4 Now, is that because you asked him or -- or is</p> <p>5 that based on your statement that you said that you had done</p> <p>6 nothing wrong?</p> <p>7 A. Yeah, I don't -- yes.</p> <p>8 Q. Okay.</p> <p>9 A. I don't have to produce ID.</p> <p>10 Q. Okay.</p> <p>11 Is, is, is there any other fact that you claim</p> <p>12 supports your contention in paragraph 75 that</p> <p>13 Defendant Schneider retaliated against you and attacked and</p> <p>14 assaulted and tortured you?</p> <p>15 MS. BROADDUS: I'm going to object just to the</p> <p>16 extent that it gets into the attorney-client privilege on</p> <p>17 what you know specifically and not what we talked about, the</p> <p>18 other evidence of the case that supports that. Okay?</p> <p>19 THE WITNESS: Yes.</p> <p>20 Can you ask that again?</p> <p>21 MR. POPOLIZIO: Sure.</p> <p>22 Could you read that back, Marty.</p> <p>23 (Pending question read.)</p> <p>24 MS. BROADDUS: Same objection.</p> <p>25 THE WITNESS: Then, then, then, no, I have -- then</p>	<p style="text-align: right;">47</p> <p>1 I have nothing to say on it, I guess.</p> <p>2 MR. POPOLIZIO: I'm sorry.</p> <p>3 THE WITNESS: I have nothing to say on it.</p> <p>4 MR. POPOLIZIO: You have -- okay.</p> <p>5 THE WITNESS: Then I can't answer; right?</p> <p>6 I'm confused.</p> <p>7 BY MR. POPOLIZIO:</p> <p>8 Q. Do you have anything to --</p> <p>9 A. Add to it? No.</p> <p>10 Q. All right.</p> <p>11 Okay. And still looking at Exhibit 74, going to</p> <p>12 Page 12, you see that there's a Count III there?</p> <p>13 A. Yes.</p> <p>14 Q. Okay.</p> <p>15 And Count III is, is a claim for wrongful arrest</p> <p>16 in violation of the Fourth and Fourteenth Amendments.</p> <p>17 Do you see that?</p> <p>18 A. Yes.</p> <p>19 Q. Okay.</p> <p>20 So you claim that you were wrongfully arrested;</p> <p>21 right?</p> <p>22 A. Yes.</p> <p>23 Q. Okay.</p> <p>24 But, again, you agree there that there is -- the</p> <p>25 Grand Jury indicted you; correct?</p>
<p style="text-align: right;">48</p> <p>1 A. Yes.</p> <p>2 Q. And that indictment indicated probable cause for</p> <p>3 your arrest?</p> <p>4 MS. BROADDUS: Object to form.</p> <p>5 THE WITNESS: That was weeks after though.</p> <p>6 MR. POPOLIZIO: Yeah.</p> <p>7 THE WITNESS: I was already incarcerated for weeks</p> <p>8 before I was indicted.</p> <p>9 BY MR. POPOLIZIO:</p> <p>10 Q. Okay.</p> <p>11 But no matter of the timing, the Grand Jury</p> <p>12 indictment indicated probable cause for your arrest; is that</p> <p>13 right?</p> <p>14 A. Yes.</p> <p>15 Q. Okay.</p> <p>16 Now, on paragraph 89 of, of that count.</p> <p>17 It's kind of a, a long sentence, so I might, I</p> <p>18 might break it up.</p> <p>19 But, paragraph 89 states: Defendants Schneider,</p> <p>20 Lindsey, and Fernandez's conduct was engaged in with intent</p> <p>21 to cause injury, was wrongful conduct motivated by spite or</p> <p>22 will -- or ill will or the involved officers acted to serve</p> <p>23 their own interests, having reason to know and consciously</p> <p>24 disregarding a substantial risk that their conduct might</p> <p>25 significantly injure the rights of Plaintiff Johnny</p>	<p style="text-align: right;">49</p> <p>1 Wheatcroft.</p> <p>2 Did I read that generally okay?</p> <p>3 A. Yes.</p> <p>4 Q. Okay.</p> <p>5 I know I messed up a little bit there, but the --</p> <p>6 I read it almost perfect but not quite; right?</p> <p>7 A. Yes.</p> <p>8 Q. But that's what is stated there; right?</p> <p>9 A. Yes.</p> <p>10 Q. I didn't misstate anything in there; right?</p> <p>11 A. No.</p> <p>12 Q. In fact, I left out the word ill, it should have</p> <p>13 said ill will, and I corrected myself; right?</p> <p>14 A. Yes.</p> <p>15 Q. Okay.</p> <p>16 So in looking at that, part of that paragraph</p> <p>17 states that the -- there was wrongful conduct motivated by</p> <p>18 spite or ill will or the involved officers acted to serve</p> <p>19 their own interests.</p> <p>20 Do you see that part of it?</p> <p>21 A. Yes.</p> <p>22 Q. Okay.</p> <p>23 So could you tell me how the officers acted to</p> <p>24 serve their own interests?</p> <p>25 MS. BROADDUS: I'm going to object to the extent</p>

<p style="text-align: right;">50</p> <p>1 that this gets into our communications and talks about other</p> <p>2 evidence in the case that supports that that's not your</p> <p>3 independent knowledge. If you have independent knowledge</p> <p>4 outside of those communications, go ahead and answer.</p> <p>5 THE WITNESS: I do not.</p> <p>6 BY MR. POPOLIZIO:</p> <p>7 Q. Okay.</p> <p>8 So, could you give me any facts to support your</p> <p>9 claim as set forth in paragraph 89 that the officers acted</p> <p>10 to serve their own interests?</p> <p>11 MS. BROADDUS: Same objection. If you have</p> <p>12 something else other than what we talked about --</p> <p>13 THE WITNESS: No.</p> <p>14 BY MR. POPOLIZIO:</p> <p>15 Q. Nothing to add?</p> <p>16 A. No.</p> <p>17 Q. Okay.</p> <p>18 Do you -- let me ask you this. Do you happen to</p> <p>19 know what personal interest or interests the officers were</p> <p>20 pursuing?</p> <p>21 MS. BROADDUS: If you know something outside of</p> <p>22 what we talked about.</p> <p>23 THE WITNESS: No, I don't.</p> <p>24 BY MR. POPOLIZIO:</p> <p>25 Q. Okay.</p>	<p style="text-align: right;">51</p> <p>1 You probably figured out by now I'm going to ask</p> <p>2 you something about Count IV, the next count. All right?</p> <p>3 All right. The next count is Count IV.</p> <p>4 Right?</p> <p>5 A. Yes.</p> <p>6 Q. And it's for malicious prosecution in violation of</p> <p>7 the Fourth and Fourteenth Amendments.</p> <p>8 Do you see that?</p> <p>9 A. Yes.</p> <p>10 Q. Okay.</p> <p>11 So you're -- you're claiming in that count that</p> <p>12 you were maliciously prosecuted?</p> <p>13 A. Yes.</p> <p>14 Q. Okay.</p> <p>15 Within that count though, too, there's mention of</p> <p>16 a -- of familial association. We'll talk about that too.</p> <p>17 Okay?</p> <p>18 A. Yes.</p> <p>19 Q. Okay.</p> <p>20 But, again, malicious prosecution, were you</p> <p>21 prosecuted for anything arising, that you did, arising</p> <p>22 out of the incident that occurred at Motel 6 on July 26th,</p> <p>23 2017?</p> <p>24 MS. BROADDUS: Object to form.</p> <p>25 THE WITNESS: No.</p>
<p style="text-align: right;">52</p> <p>1 BY MR. POPOLIZIO:</p> <p>2 Q. Okay. You were indicted. We beat that to death.</p> <p>3 Right?</p> <p>4 A. Yes.</p> <p>5 Q. Okay.</p> <p>6 But you weren't prosecuted; right?</p> <p>7 A. No.</p> <p>8 MS. BROADDUS: Object to form.</p> <p>9 BY MR. POPOLIZIO:</p> <p>10 Q. You didn't go to trial; right?</p> <p>11 A. No.</p> <p>12 Q. Okay.</p> <p>13 And a jury wasn't impaneled for a criminal trial</p> <p>14 for you where you sat there and there was a trial over what</p> <p>15 you did; right?</p> <p>16 A. No.</p> <p>17 MS. BROADDUS: Object to form.</p> <p>18 BY MR. POPOLIZIO:</p> <p>19 Q. Okay.</p> <p>20 Now, together with this count and the, the next</p> <p>21 count, because there's -- there's another -- there's the</p> <p>22 next count, Johnny, which is Count V. And it's a civil</p> <p>23 rights violation.</p> <p>24 Do you see that?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">53</p> <p>1 Q. And then there's another count, Count VI, where it</p> <p>2 says municipal liability.</p> <p>3 Do you see that?</p> <p>4 A. Yes.</p> <p>5 Q. It's okay.</p> <p>6 Do you see where it says for the count; right?</p> <p>7 A. Yes.</p> <p>8 Q. Okay.</p> <p>9 And the reason why I brought you forward to there</p> <p>10 is because there's mentions of different things in, in the</p> <p>11 counts. So there are the titles and then there are familial</p> <p>12 associations mentioned a couple times. I just want to go</p> <p>13 over the claims that you're -- that you're making, not</p> <p>14 necessarily just based on titles. Okay?</p> <p>15 A. Yes.</p> <p>16 Q. So, again -- well, with regard to malicious --</p> <p>17 malicious prosecution and your claim for malicious</p> <p>18 prosecution, you've already indicated that due to the Grand</p> <p>19 Jury indictment that there was probable cause for your</p> <p>20 arrest; right?</p> <p>21 MS. BROADDUS: Object to form and foundation.</p> <p>22 BY MR. POPOLIZIO:</p> <p>23 Q. That's what you said before; right?</p> <p>24 MS. BROADDUS: Misstates testimony.</p> <p>25 Go ahead and answer.</p>

<p style="text-align: right;">54</p> <p>1 THE WITNESS: Yes, I said that.</p> <p>2 BY MR. POPOLIZIO:</p> <p>3 Q. Okay.</p> <p>4 In paragraph 94, under Count IV, on Page 14.</p> <p>5 A. Ninety-four?</p> <p>6 Q. Yeah.</p> <p>7 A. Okay.</p> <p>8 Q. Are you there?</p> <p>9 A. Yes.</p> <p>10 Q. Okay. Good.</p> <p>11 It states: Plaintiff Johnny Wheatcroft, at all</p> <p>12 well relevant times, had the clearly established right to be</p> <p>13 free from malicious prosecution and the right to familial</p> <p>14 association under the Fourth and Fourteenth Amendment.</p> <p>15 Do you see that?</p> <p>16 A. Yes.</p> <p>17 Q. Did I read that correctly?</p> <p>18 A. Yes.</p> <p>19 Q. Okay.</p> <p>20 With regard to familial association, that claim,</p> <p>21 what do you understand that claim to be?</p> <p>22 MS. BROADDUS: I'm going to object to the extent</p> <p>23 that if -- if you know anything or even heard that term</p> <p>24 outside of your communications with me, you can go ahead and</p> <p>25 answer. If you know -- have any independent knowledge</p>	<p style="text-align: right;">55</p> <p>1 outside of that, go ahead and answer.</p> <p>2 THE WITNESS: I don't. I don't have any more.</p> <p>3 BY MR. POPOLIZIO:</p> <p>4 Q. You're bringing a claim for familial association;</p> <p>5 right?</p> <p>6 A. Yes.</p> <p>7 Q. And aside from what -- I don't want to know what</p> <p>8 you talked about with, with counsel. I want to know the</p> <p>9 factual basis for your claim that the officers interfered</p> <p>10 with your right to familial association.</p> <p>11 MS. BROADDUS: I'm going to object to the extent</p> <p>12 that that gets into our attorney-client privilege.</p> <p>13 Anything that we've talked about is protected and</p> <p>14 don't answer that, or any other evidence that we've talked</p> <p>15 about that supports that. If you have information outside</p> <p>16 of communications --</p> <p>17 THE WITNESS: I do not.</p> <p>18 MS. BROADDUS: -- go ahead.</p> <p>19 BY MR. POPOLIZIO:</p> <p>20 Q. Okay.</p> <p>21 So you're not going to provide me any facts that</p> <p>22 support that claim?</p> <p>23 MS. BROADDUS: Object to form.</p> <p>24 THE WITNESS: I don't have any, no.</p> <p>25</p>
<p style="text-align: right;">56</p> <p>1 BY MR. POPOLIZIO:</p> <p>2 Q. Okay.</p> <p>3 Now I want to talk about some of the claims under</p> <p>4 Counts V and VI of your complaint. Okay?</p> <p>5 A. Yes.</p> <p>6 Q. And there are civil rights violations against the</p> <p>7 officers in Count V, and in Count VI against the City of</p> <p>8 Glendale for municipal liability.</p> <p>9 Do you see that?</p> <p>10 A. Yes.</p> <p>11 Q. Okay.</p> <p>12 So, with regard to municipal liability against the</p> <p>13 City of Glendale, what is the factual basis that you have</p> <p>14 for that particular claim?</p> <p>15 MS. BROADDUS: I'm going to object again. To the</p> <p>16 extent that you have any information that was out our --</p> <p>17 outside of our communications that discuss facts that</p> <p>18 specifically related to that claim, you can go ahead and</p> <p>19 answer.</p> <p>20 THE WITNESS: I do not.</p> <p>21 BY MR. POPOLIZIO:</p> <p>22 Q. When, when -- you realize that these, the claims</p> <p>23 set forth in the second amended complaint, are your claims</p> <p>24 against the defendants in this action; right?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">57</p> <p>1 Q. And do you realize that they have to have a</p> <p>2 factual basis?</p> <p>3 A. Yes.</p> <p>4 Q. And -- okay.</p> <p>5 Do you claim that the City of Glendale had a</p> <p>6 policy, practice, or custom that demonstrates that it had an</p> <p>7 indifference to the training of these officers in violation</p> <p>8 of your rights?</p> <p>9 A. Can you ask that one more time?</p> <p>10 Q. Sure.</p> <p>11 Well, let me ask it this way.</p> <p>12 Do you -- do you contend that the City of Glendale</p> <p>13 failed to train its officers properly?</p> <p>14 A. Yes.</p> <p>15 Q. Okay.</p> <p>16 Do you contend that the City of Glendale has a</p> <p>17 policy, custom, practice, that demonstrates that they failed</p> <p>18 to train these officers?</p> <p>19 MS. BROADDUS: Let me object to the extent that</p> <p>20 gets into communications that you and I have had about the</p> <p>21 evidence in this case.</p> <p>22 If you have something outside of that or the</p> <p>23 complaint, alone, if it says that, go ahead and answer.</p> <p>24 THE WITNESS: Yeah, I have nothing else.</p> <p>25</p>

<p style="text-align: right;">58</p> <p>1 BY MR. POPOLIZIO:</p> <p>2 Q. Okay.</p> <p>3 So do you -- well, do you contend that?</p> <p>4 A. I don't understand what that means.</p> <p>5 Q. Do you contend that the City of Glendale failed to</p> <p>6 train its officers?</p> <p>7 MS. BROADDUS: And if you're relying on legal</p> <p>8 advice for that, just let him know you're relying on legal</p> <p>9 advice as to the basis of your claims.</p> <p>10 THE WITNESS: Yeah, I'm relying on legal advice.</p> <p>11 BY MR. POPOLIZIO:</p> <p>12 Q. So you can't provide any facts to support that</p> <p>13 claim for failure to train the officers by the City of</p> <p>14 Glendale here today?</p> <p>15 MS. BROADDUS: Same objection.</p> <p>16 If you --</p> <p>17 THE WITNESS: No.</p> <p>18 MS. BROADDUS: -- have something outside of the</p> <p>19 information we talked about or the other evidence in the</p> <p>20 case.</p> <p>21 BY MR. POPOLIZIO:</p> <p>22 Q. Do you also claim that they failed -- the City of</p> <p>23 Glendale failed to supervise the officers that you're suing</p> <p>24 in this action?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">59</p> <p>1 Q. And do you claim that that failure of supervision</p> <p>2 caused you damages?</p> <p>3 A. Yes.</p> <p>4 Q. Okay.</p> <p>5 And could you give me the factual basis of that</p> <p>6 claim?</p> <p>7 MS. BROADDUS: I'm going to also object. If you</p> <p>8 have information outside our communication as to --</p> <p>9 THE WITNESS: No.</p> <p>10 MS. BROADDUS: -- the other evidence in the case,</p> <p>11 go ahead and let him know.</p> <p>12 THE WITNESS: No, no.</p> <p>13 MR. POPOLIZIO: And your answer is?</p> <p>14 THE WITNESS: No, I cannot.</p> <p>15 MR. POPOLIZIO: Okay. We were getting into</p> <p>16 that --</p> <p>17 THE WITNESS: I see.</p> <p>18 MR. POPOLIZIO: -- talking over each other. Okay?</p> <p>19 MS. BROADDUS: Sorry, Marty.</p> <p>20 BY MR. POPOLIZIO:</p> <p>21 Q. Do you claim that the City of Glendale was</p> <p>22 indifferent to your Constitutional rights?</p> <p>23 A. I don't understand that question.</p> <p>24 Q. Okay.</p> <p>25 Do you claim that the City of Glendale had a</p>
<p style="text-align: right;">60</p> <p>1 policy or practice or custom with regard to the training of</p> <p>2 these officers that constituted indifference to your</p> <p>3 Constitutional rights?</p> <p>4 MS. BROADDUS: I'm going to object. To the extent</p> <p>5 you have any information outside of your communications with</p> <p>6 your attorney, you can rely on the documents to answer the</p> <p>7 question, but if it relates to our communications or the</p> <p>8 evidence related thereto that we've talked about outside of</p> <p>9 what you know, you can answer those things that are outside</p> <p>10 of that.</p> <p>11 THE WITNESS: I do not.</p> <p>12 BY MR. POPOLIZIO:</p> <p>13 Q. And the same question for supervision.</p> <p>14 Do you claim that the City of Glendale has a</p> <p>15 policy, practice, or custom that demonstrates it was</p> <p>16 indifferent to the supervision of these officers that led to</p> <p>17 any Constitutional right violations?</p> <p>18 MS. BROADDUS: Same objection. If you have</p> <p>19 something other than our communications, go ahead and</p> <p>20 answer.</p> <p>21 THE WITNESS: I do not.</p> <p>22 BY MR. POPOLIZIO:</p> <p>23 Q. So just to make it simple, could you point to a,</p> <p>24 a, a policy, practice, or custom that demonstrates that the</p> <p>25 City of Glendale failed to train its officers?</p>	<p style="text-align: right;">61</p> <p>1 MS. BROADDUS: And if you have something outside</p> <p>2 of what we've looked at and discussed in this case that</p> <p>3 you're aware of that we haven't talked about, you can go</p> <p>4 ahead and tell him about that.</p> <p>5 THE WITNESS: I do not.</p> <p>6 BY MR. POPOLIZIO:</p> <p>7 Q. And could you point to a policy, practice, or</p> <p>8 custom that -- that indicates that the City of Glendale</p> <p>9 failed to supervise the officers you sued and that caused</p> <p>10 you some sort of a violation of your Constitutional rights?</p> <p>11 MS. BROADDUS: Again, if you have any information</p> <p>12 outside of what we've talked about the other evidence in the</p> <p>13 case, if you have any independent information, go ahead and</p> <p>14 answer.</p> <p>15 THE WITNESS: I do not.</p> <p>16 BY MR. POPOLIZIO:</p> <p>17 Q. Okay.</p> <p>18 Do you -- do you claim that the City of Glendale</p> <p>19 failed to discipline any of these officers?</p> <p>20 MS. BROADDUS: Object to form.</p> <p>21 If you know anything outside of our communications</p> <p>22 based on the evidence that we've talked about, you can</p> <p>23 answer that.</p> <p>24 THE WITNESS: I just know that they have stuff in</p> <p>25 their history that they weren't, I don't believe, held</p>

<p style="text-align: right;">62</p> <p>1 liable for.</p> <p>2 They, they -- they should have been retrained or,</p> <p>3 or, or watched, supervised, better after their first</p> <p>4 incident.</p> <p>5 BY MR. POPOLIZIO:</p> <p>6 Q. Could you give me every fact you have or you claim</p> <p>7 to have to support those claims?</p> <p>8 A. No.</p> <p>9 MS. BROADDUS: And if you have something outside</p> <p>10 of something you've learned from me in this lawsuit or as</p> <p>11 part of our representation, go ahead and answer. If it's</p> <p>12 only stuff you've learned from me, then that's protected.</p> <p>13 THE WITNESS: No, no, I don't.</p> <p>14 BY MR. POPOLIZIO:</p> <p>15 Q. Okay.</p> <p>16 And when you say that, that the officers weren't</p> <p>17 disciplined or retrained, can you tell me specifically, if</p> <p>18 you know, with regard to any of these officers how they were</p> <p>19 not disciplined?</p> <p>20 MS. BROADDUS: If you have anything outside of</p> <p>21 what we've talked about, go ahead and answer it.</p> <p>22 THE WITNESS: Okay.</p> <p>23 No, I do not.</p> <p>24 BY MR. POPOLIZIO:</p> <p>25 Q. Okay.</p>	<p style="text-align: right;">63</p> <p>1 And being that you don't have any specifics about</p> <p>2 how any of these officers weren't disciplined, as you</p> <p>3 allege, you don't have any facts which -- which would</p> <p>4 support your claim that a failure to discipline these</p> <p>5 officers prior to the incident led to what happened that day</p> <p>6 at Motel 6, do you?</p> <p>7 MS. BROADDUS: I'm going to object. If you have</p> <p>8 evidence that's out -- only about what we've talked about,</p> <p>9 about the other information that you've learned in the case</p> <p>10 and the other evidence, if you have something outside of</p> <p>11 that, you can go ahead and answer.</p> <p>12 THE WITNESS: No, I don't.</p> <p>13 BY MR. POPOLIZIO:</p> <p>14 Q. That's exactly what I'm looking for, is evidence</p> <p>15 and your personal knowledge and facts that would support</p> <p>16 your claims in this action.</p> <p>17 You understand that; right?</p> <p>18 A. Yes.</p> <p>19 Q. I don't want to know what you talked about with,</p> <p>20 with your attorney. I think that's pretty clear by now;</p> <p>21 right?</p> <p>22 A. Yeah, yeah.</p> <p>23 Q. But what did you do to prepare for your deposition</p> <p>24 today?</p> <p>25 A. Nothing.</p>
<p style="text-align: right;">64</p> <p>1 Q. Did you -- don't what to know if -- any substance.</p> <p>2 Did you speak with your attorney before your deposition</p> <p>3 today?</p> <p>4 A. Yes.</p> <p>5 Q. Okay.</p> <p>6 How long was that conversation?</p> <p>7 A. Twenty minutes.</p> <p>8 Q. Okay.</p> <p>9 Was it over the phone?</p> <p>10 A. Yes.</p> <p>11 Q. And when did that occur?</p> <p>12 A. Three days ago. Four days ago.</p> <p>13 Q. Okay. Thank you.</p> <p>14 A. I believe.</p> <p>15 Q. So although I, I can sense by now how you're going</p> <p>16 to answer the question, I'm going to ask it nevertheless.</p> <p>17 And it's just part of my job, so you understand; right?</p> <p>18 A. Yes, yes.</p> <p>19 Q. Okay.</p> <p>20 So could you testimony me what policy, custom, or</p> <p>21 practice was the moving force behind your claimed injuries</p> <p>22 in this case?</p> <p>23 MS. BROADDUS: Object to the extent that it -- you</p> <p>24 can answer if you have facts outside of what we've talked</p> <p>25 about the other -- about the other evidence in the case that</p>	<p style="text-align: right;">65</p> <p>1 supports those claims. Okay?</p> <p>2 THE WITNESS: No, I do not.</p> <p>3 BY MR. POPOLIZIO:</p> <p>4 Q. Could you look on Page 19, paragraph 127 of your</p> <p>5 complaint.</p> <p>6 A. Yes.</p> <p>7 Q. All right.</p> <p>8 You're already there. Good.</p> <p>9 A. Yeah.</p> <p>10 Q. And that's in Count VI; right?</p> <p>11 A. Yes.</p> <p>12 Q. All right.</p> <p>13 In paragraph 127, it states: In addition, under</p> <p>14 a ratification theory, Defendant Glendale delegated</p> <p>15 authority to Defendants Schneider, Lindsey, and Fernandez to</p> <p>16 engage in unlawful arrest and the use of illegal and</p> <p>17 excessive force.</p> <p>18 Do you see that?</p> <p>19 A. Yes.</p> <p>20 Q. Now that's not the whole paragraph; right?</p> <p>21 A. No.</p> <p>22 Q. I just read up to that point; correct?</p> <p>23 A. Yes.</p> <p>24 Q. Okay.</p> <p>25 So, could, could you give me every fact that you</p>

<p style="text-align: right;">66</p> <p>1 have that supports your claim that the defendant Glendale</p> <p>2 delegated authority to Defendants Schneider, Lindsey, and</p> <p>3 Fernandez to engage in unlawful arrest?</p> <p>4 MS. BROADDUS: And to the extent that you have</p> <p>5 information outside of communications as to other evidence</p> <p>6 in the case, go ahead and answer.</p> <p>7 THE WITNESS: No, I cannot.</p> <p>8 BY MR. POPOLIZIO:</p> <p>9 Q. Okay.</p> <p>10 Or how about the next part that I read just a</p> <p>11 second ago, could you give me every fact that supports your</p> <p>12 claim that the defendant Glendale delegated authority to</p> <p>13 Defendants Schneider, Lindsey, and Fernandez to use illegal</p> <p>14 and excessive force?</p> <p>15 MS. BROADDUS: Same objection. If you have</p> <p>16 something outside of what we've talked about as to facts</p> <p>17 that relate to which particular claim or other evidence, go</p> <p>18 ahead and answer.</p> <p>19 THE WITNESS: No, I cannot.</p> <p>20 BY MR. POPOLIZIO:</p> <p>21 Q. You don't have any independent facts other than</p> <p>22 what you discussed with counsel? And I am not asking for</p> <p>23 that.</p> <p>24 A. No.</p> <p>25 (Brief pause.)</p>	<p style="text-align: right;">67</p> <p>1 BY MR. POPOLIZIO:</p> <p>2 Q. Do you contend that the City of Glendale had a</p> <p>3 policy that allowed their police officers to engage in</p> <p>4 unlawful arrests?</p> <p>5 MS. BROADDUS: If you have information outside of</p> <p>6 our communications, go ahead and answer.</p> <p>7 If you know what the allegations are in the case,</p> <p>8 something you're relying on your legal counsel for, outside</p> <p>9 of that you can go ahead and answer.</p> <p>10 THE WITNESS: No, I do not.</p> <p>11 BY MR. POPOLIZIO:</p> <p>12 Q. Do you claim that the City of Glendale had a</p> <p>13 policy that allowed its officers to use excessive force?</p> <p>14 MS. BROADDUS: Same objection.</p> <p>15 THE WITNESS: No, I do not.</p> <p>16 BY MR. POPOLIZIO:</p> <p>17 Q. Do you claim that the City of Glendale had a</p> <p>18 policy that allowed the defendant officers in this case,</p> <p>19 Schneider, Lindsey, and Fernandez, to engage in an unlawful</p> <p>20 arrest of you?</p> <p>21 MS. BROADDUS: If you have information outside of</p> <p>22 our communications as to other evidence in the case, go</p> <p>23 ahead and answer.</p> <p>24 THE WITNESS: No, I do not.</p> <p>25</p>
<p style="text-align: right;">68</p> <p>1 BY MR. POPOLIZIO:</p> <p>2 Q. Okay.</p> <p>3 So you don't have any facts to provide me?</p> <p>4 A. No.</p> <p>5 MS. BROADDUS: Object to form.</p> <p>6 BY MR. POPOLIZIO:</p> <p>7 Q. Do you claim that the City of Glendale had a</p> <p>8 policy that allowed these officers, the defendants in this</p> <p>9 action, to use excessive force on you?</p> <p>10 MS. BROADDUS: If you have something outside of</p> <p>11 our communications as to other evidence in the case, you</p> <p>12 have an independent knowledge, go ahead and answer.</p> <p>13 THE WITNESS: No, I do not.</p> <p>14 MR. POPOLIZIO: Okay.</p> <p>15 (Brief pause.)</p> <p>16 BY MR. POPOLIZIO:</p> <p>17 Q. Do you claim that the City of Glendale failed to</p> <p>18 train the officers in this action to execute arrests?</p> <p>19 MS. BROADDUS: If you have information outside of</p> <p>20 our communications, go ahead and answer.</p> <p>21 THE WITNESS: No, I do not.</p> <p>22 BY MR. POPOLIZIO:</p> <p>23 Q. Do you claim that the City of Glendale failed to</p> <p>24 train these officers in the proper use of force?</p> <p>25 MS. BROADDUS: If you have something outside of</p>	<p style="text-align: right;">69</p> <p>1 our discussions as to what the claims would be or what would</p> <p>2 not be, go ahead and answer.</p> <p>3 THE WITNESS: No, I do not.</p> <p>4 BY MR. POPOLIZIO:</p> <p>5 Q. Do you claim that the City of Glendale failed to</p> <p>6 train these officers with regard to the concept of probable</p> <p>7 cause?</p> <p>8 MS. BROADDUS: Same objection.</p> <p>9 THE WITNESS: No, I do not.</p> <p>10 BY MR. POPOLIZIO:</p> <p>11 Q. Did you -- do you claim that the City of Glendale</p> <p>12 failed to ensure that these police officers would conduct</p> <p>13 themselves in a manner to avoid violating your</p> <p>14 Constitutional rights?</p> <p>15 MS. BROADDUS: If you have anything -- any of our</p> <p>16 communications are obviously protected, if it's something</p> <p>17 that you're relying on for your attorneys what we've talked</p> <p>18 about, other than what's already documented in the</p> <p>19 complaint, go ahead and answer.</p> <p>20 THE WITNESS: No, I do not.</p> <p>21 BY MR. POPOLIZIO:</p> <p>22 Q. And looking at the -- so, strike that.</p> <p>23 So, are you going to rely what's document -- on</p> <p>24 what's documented in this complaint for the factual basis of</p> <p>25 your claims?</p>

<p style="text-align: right;">70</p> <p>1 A. Yes.</p> <p>2 Q. In looking at paragraph 128 on Page 19 of the</p> <p>3 second amended complaint -- are you there?</p> <p>4 A. Yes.</p> <p>5 Q. It says: At all times -- at all times relevant,</p> <p>6 the City of Glendale had policies, customs, and/or patterns</p> <p>7 and practices of failing to properly discipline, train, and</p> <p>8 supervise its police officers, including the individual</p> <p>9 defendants named in this complaint, in the proper use of</p> <p>10 force, probable cause, and the execution of arrests. The</p> <p>11 City of Glendale failed to ensure its police officers could</p> <p>12 and would conduct themselves in a manner to avoid violating</p> <p>13 the Constitutional rights of the inhabitants of -- of</p> <p>14 Defendant Glendale.</p> <p>15 Did I read that correctly?</p> <p>16 A. Yes.</p> <p>17 Q. Okay.</p> <p>18 And, and paragraph 128 is a paragraph in the</p> <p>19 second amended complaint; right?</p> <p>20 A. Yes.</p> <p>21 Q. And it sets forth claims that you are making in</p> <p>22 this action; right?</p> <p>23 A. Yes.</p> <p>24 MR. POPOLIZIO: Got that pen going over there,</p> <p>25 huh, Jody?</p>	<p style="text-align: right;">71</p> <p>1 MS. BROADDUS: Sorry.</p> <p>2 MR. POPOLIZIO: That's all right.</p> <p>3 MS. BROADDUS: Nervous habit, I guess.</p> <p>4 Usually the other pen I use doesn't rattle, so I</p> <p>5 apologize.</p> <p>6 Is that picking up on the -- okay.</p> <p>7 I'll put my pen down. You should have yelled at</p> <p>8 me sooner.</p> <p>9 BY MR. POPOLIZIO:</p> <p>10 Q. Look on Page 20 of, of the second amended</p> <p>11 complaint, Johnny.</p> <p>12 A. Yes.</p> <p>13 Q. Paragraph 132?</p> <p>14 A. Yes.</p> <p>15 Q. It states: Acting under the color of law, by</p> <p>16 and through policy makers of Defendant Glendale and</p> <p>17 pursuant to official policy, customs, and/or patterns and</p> <p>18 practices, Defendant Glendale intentionally, knowingly,</p> <p>19 recklessly, and/or with deliberate indifference to the</p> <p>20 rights of inhabitants of Defendant Glendale failed to</p> <p>21 instruct, supervise, control, and monitor its police</p> <p>22 officers.</p> <p>23 Did I read that correctly?</p> <p>24 A. Yes.</p> <p>25 Q. Now I know I read that one correctly.</p>
<p style="text-align: right;">72</p> <p>1 A. Yes.</p> <p>2 Q. All right.</p> <p>3 So, and, and these are your claims; right?</p> <p>4 A. Yes.</p> <p>5 Q. And they're set forth in paragraph 132 of the</p> <p>6 second amended complaint; right?</p> <p>7 A. Yes.</p> <p>8 Q. Okay.</p> <p>9 Could you give me every fact that you have to</p> <p>10 support your contention that the City of Glendale failed to</p> <p>11 instruct the officers you sued in this case?</p> <p>12 MS. BROADDUS: If you have information outside of</p> <p>13 our communications as to other evidence in the case, go</p> <p>14 ahead and answer.</p> <p>15 THE WITNESS: No, I do not.</p> <p>16 BY MR. POPOLIZIO:</p> <p>17 Q. Do you have any facts that supports a contention</p> <p>18 that the City of Glendale's alleged failure to instruct</p> <p>19 these particular officers caused you any harm?</p> <p>20 MS. BROADDUS: Do you have anything outside of our</p> <p>21 communications, go ahead and answer.</p> <p>22 THE WITNESS: No, I do not.</p> <p>23 BY MR. POPOLIZIO:</p> <p>24 Q. In fact, do you -- well, do you have any fact to</p> <p>25 support your claim that the City of Glendale failed to</p>	<p style="text-align: right;">73</p> <p>1 supervise the officers you sued in this action and that</p> <p>2 failure to supervise caused you harm?</p> <p>3 MS. BROADDUS: If you have something outside of</p> <p>4 our communications as to other evidence in the case, go</p> <p>5 ahead and answer.</p> <p>6 THE WITNESS: No, I do not.</p> <p>7 BY MR. POPOLIZIO:</p> <p>8 Q. Do you have any facts to support your contention</p> <p>9 that the City of Glendale failed to control the three</p> <p>10 officers that you sued in this action and that failure to</p> <p>11 control them caused you harm?</p> <p>12 MS. BROADDUS: Same objection.</p> <p>13 If you have something outside of that, go ahead</p> <p>14 and answer.</p> <p>15 THE WITNESS: No, I do not.</p> <p>16 BY MR. POPOLIZIO:</p> <p>17 Q. And do you have any fact that supports your</p> <p>18 contention that the City of Glendale failed to monitor the</p> <p>19 three police officers that you sued in this action and that</p> <p>20 failure to monitor caused you harm?</p> <p>21 MS. BROADDUS: If you have something outside of</p> <p>22 our communications and the evidence, go ahead and answer.</p> <p>23 THE WITNESS: No, I do not.</p> <p>24 BY MR. POPOLIZIO:</p> <p>25 Q. Looking at paragraph 133 of the second amended</p>

<p style="text-align: right;">74</p> <p>1 complaint, again on Page 20, it states: These policies, 2 customs, and/or patterns and practices led the individual 3 defendants to believe that misconduct and abuse of 4 Constitutional rights would be tolerated and not be subject 5 to any meaningful reprimand or punishment. 6 Did I read that correctly? 7 A. Yes. 8 Q. Okay. 9 And that's an allegation you're making in this 10 complaint; right? 11 A. Yes. 12 Q. Okay. 13 So could you tell me what policy, custom, pattern, 14 or practice led these particular three officers, the 15 defendants in this action, to believe that misconduct and 16 abuse of Constitutional rights would be tolerated? 17 MS. BROADDUS: If you have something outside our 18 communication as to other evidence in the case, go ahead and 19 answer that. 20 THE WITNESS: No, I do not. 21 BY MR. POPOLIZIO: 22 Q. So you have no facts when you say no? 23 MS. BROADDUS: Object to form. 24 THE WITNESS: No. 25</p>	<p style="text-align: right;">75</p> <p>1 BY MR. POPOLIZIO: 2 Q. Do you have any facts to support your claim that 3 the City of Glendale had policies, customs, and/or patterns 4 and practices that would lead these officers to believe that 5 they would not be the subject of any meaningful reprimand or 6 punishment? 7 MS. BROADDUS: Object to form. If you have 8 something outside of our communications, then you can go 9 ahead and answer. If you're relying on completely our 10 communications, then let him know. 11 THE WITNESS: No, I do not. 12 BY MR. POPOLIZIO: 13 Q. Now, Count VIII in your complaint is actually 14 entitled loss of consortium. 15 Do you see that on Page 22? 16 A. Yes. 17 Q. Okay. 18 But those are -- those are counts -- that's a 19 count that contains claims for your sons; right? 20 A. Yes. 21 Q. Okay. 22 Excuse me. 23 Now, you, you shared with me, Johnny, that your 24 first child was born in 2000; right? 25 A. Yes.</p>
<p style="text-align: right;">76</p> <p>1 Q. And that was Jessica? 2 A. Yes. 3 Q. And then you gave me the birth dates of, of your 4 other children; right? 5 A. Yes. 6 Q. Okay. And you have four children; right? 7 A. Yes. 8 Q. And, since -- well, you've done -- strike that. 9 Currently you're incarcerated in prison; right? 10 A. Yes. 11 Q. Okay. 12 But that's something -- that has to do with 13 something unrelated to the incident that occurred on 14 July 26, 2017, at the Motel 6; right? 15 A. Yes. 16 MS. BROADDUS: I'm going to object to form. If it 17 gets into the communications we've had about that, then 18 that's also protected. So if you have something outside of 19 that, let him know. 20 THE WITNESS: Okay. 21 BY MR. POPOLIZIO: 22 Q. So, general terms, don't want to know what you 23 talked about with your, with your -- with your attorney. 24 A. Yes. 25 Q. However, you're serving some time now; right?</p>	<p style="text-align: right;">77</p> <p>1 A. Yes. 2 Q. And your sentence is for a crime that you 3 committed; right? 4 A. Yes. 5 Q. And you were convicted for? 6 A. Yes. 7 Q. But that, that crime occurred after this incident; 8 right? 9 A. Yes. 10 Q. Okay. In fact, in February of 2018 you were 11 arrested; right? 12 A. Yes. 13 Q. And that arrest led to the conviction for which 14 you're serving a sentence in prison currently; right? 15 A. Yes. 16 Q. Okay. 17 And you're incarcerated where right now? 18 A. In Cimarron, Tucson complex. 19 Q. Cimarron? Okay. 20 And that's a Department of Corrections facility? 21 A. Yes. 22 Q. Okay. 23 And you've been incarcerated since what date? 24 A. February of 2018. 25 Q. Okay. So basically you were arrested on -- in, in</p>

<p style="text-align: right;">342</p> <p>1 let me go.</p> <p>2 Q. When -- when did this occur? What's, what's the</p> <p>3 year?</p> <p>4 A. Same year.</p> <p>5 Q. Same year? 2017?</p> <p>6 A. Yes.</p> <p>7 Q. What's the month?</p> <p>8 A. I don't remember.</p> <p>9 Months before that though.</p> <p>10 Q. What was the apartment complex?</p> <p>11 A. 59th and Bethany Home.</p> <p>12 Q. What was the name of it?</p> <p>13 A. I don't know.</p> <p>14 Q. What you were doing there?</p> <p>15 A. I was trying to get away from him.</p> <p>16 Q. When you said we, who were you with?</p> <p>17 A. I was by myself on a bike.</p> <p>18 Q. But you said we.</p> <p>19 A. No, I did not.</p> <p>20 Q. Okay.</p> <p>21 You didn't say we were. You said I was there on a</p> <p>22 bike?</p> <p>23 I mean, I thought you said we pretty clearly,</p> <p>24 Johnny.</p> <p>25 A. I didn't say we. I was there by myself.</p>	<p style="text-align: right;">343</p> <p>1 Q. Okay. So were you there by yourself?</p> <p>2 A. Yes.</p> <p>3 Q. You were just riding your bike?</p> <p>4 A. Yes, I was riding down 59th Avenue. And he turned</p> <p>5 around and came -- flipped a bitch and came after me. And I</p> <p>6 went across the street and went into the apartments right</p> <p>7 there to try to lose him, because I did have a misdemeanor</p> <p>8 warrant.</p> <p>9 And then as I tried to come through the other side</p> <p>10 of the parking lot, there's a bunch of undercover cops</p> <p>11 there.</p> <p>12 Q. So you're saying this was Officer Lindsey; right?</p> <p>13 A. Yes.</p> <p>14 Q. And he was the one that was on -- initially on</p> <p>15 Officer -- on Shawn Blackburn's side of the car; right?</p> <p>16 A. Him and that woman that was here this day also.</p> <p>17 Q. No, I just asked you -- I asked you a question.</p> <p>18 In identifying Officer Lindsey, you're saying that</p> <p>19 occurred, he's the officer that was initially and the day of</p> <p>20 this incident on the driver's side of the car talking to</p> <p>21 Shawn Blackburn; right?</p> <p>22 A. Yes.</p> <p>23 Q. Okay.</p> <p>24 So you're saying that you had an encounter as you</p> <p>25 described -- just described; right?</p>
<p style="text-align: right;">344</p> <p>1 A. Yes.</p> <p>2 Q. And then you also said you had a misdemeanor</p> <p>3 warrant out for your arrest; right?</p> <p>4 A. Yes.</p> <p>5 Q. And then you said that you tried -- you tried to</p> <p>6 elude him at that time; is that right?</p> <p>7 A. No.</p> <p>8 MS. BROADDUS: Object to form.</p> <p>9 THE WITNESS: I just tried to avoid him and go</p> <p>10 through an apartment complex.</p> <p>11 BY MR. POPOLIZIO:</p> <p>12 Q. Okay.</p> <p>13 Okay. You didn't -- all right.</p> <p>14 We'll -- we'll let the -- we'll let the -- you</p> <p>15 didn't use the word elude, but we'll let the, the transcript</p> <p>16 read the way it reads.</p> <p>17 So why would you try to get away from him?</p> <p>18 MS. BROADDUS: Object to form.</p> <p>19 THE WITNESS: I just told you. I had misdemeanor</p> <p>20 warrant and I didn't want to get stopped.</p> <p>21 BY MR. POPOLIZIO:</p> <p>22 Q. Okay. Because what would happen if you got a</p> <p>23 misdemeanor warrant and you were stopped?</p> <p>24 MS. BROADDUS: Object to form and foundation.</p> <p>25 THE WITNESS: Possibility of going to jail I</p>	<p style="text-align: right;">345</p> <p>1 guess.</p> <p>2 BY MR. POPOLIZIO:</p> <p>3 Q. I'm sorry, what did you say?</p> <p>4 A. Possibility of going to jail I guess. I don't</p> <p>5 know.</p> <p>6 Q. Okay.</p> <p>7 Do you remember at that time what your misdemeanor</p> <p>8 warrant was for?</p> <p>9 MS. BROADDUS: Object to form. Foundation.</p> <p>10 THE WITNESS: No. I think tickets.</p> <p>11 BY MR. POPOLIZIO:</p> <p>12 Q. Tickets?</p> <p>13 A. Yeah.</p> <p>14 Q. What kind of tickets?</p> <p>15 A. I don't know. I don't remember actually.</p> <p>16 I don't remember what it was for.</p> <p>17 Q. Okay. But you -- but you do remember that in 2017</p> <p>18 when you described you were stopped by Officer Lindsey in</p> <p>19 the 59th Avenue area in an apartment complex you had a</p> <p>20 misdemeanor warrant; right?</p> <p>21 A. Yes.</p> <p>22 Q. Okay.</p> <p>23 And do you know what city that was out of?</p> <p>24 A. Maricopa.</p> <p>25 Q. Maricopa County?</p>

<p style="text-align: right;">438</p> <p>1 tased.</p> <p>2 Let me see you lay still while that's happening to</p> <p>3 you, and I'll -- you know what, I'll give you a high five,</p> <p>4 bud, because it can't happen.</p> <p>5 Q. Well, whether you want to high five me or not,</p> <p>6 when you were on the ground here after you're handcuffed,</p> <p>7 did you see what was happening with your wife?</p> <p>8 A. Some of it, yeah, when they slammed her over here.</p> <p>9 Q. Okay.</p> <p>10 Did that anger you?</p> <p>11 A. Anger me? No.</p> <p>12 It was -- you got -- they were scaring me is what</p> <p>13 they were doing.</p> <p>14 Q. Okay.</p> <p>15 A. It didn't anger me or make me mad. It scared me</p> <p>16 because they weren't stopping. Everyone that showed back up</p> <p>17 on scene, they came and got some too.</p> <p>18 And it's -- no.</p> <p>19 Q. So --</p> <p>20 A. That's my answer.</p> <p>21 Q. So you didn't move when you were on the ground</p> <p>22 here to get up or try to get up to help your wife?</p> <p>23 A. Get up to help her? I'm in handcuffs.</p> <p>24 Q. So that's a no?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">439</p> <p>1 Q. Okay.</p> <p>2 So you didn't resist the officers at this point</p> <p>3 because of what you saw happen to your wife in the corner;</p> <p>4 right?</p> <p>5 A. No.</p> <p>6 Q. Did you ever tell any officer that you saw that</p> <p>7 happen to your wife and that's when you started fighting the</p> <p>8 officers or something to that effect?</p> <p>9 MS. BROADDUS: Form.</p> <p>10 THE WITNESS: No.</p> <p>11 BY MR. POPOLIZIO:</p> <p>12 Q. Never that said?</p> <p>13 A. I've never said to anybody.</p> <p>14 Q. Okay.</p> <p>15 Do you remember being interviewed after the</p> <p>16 incident?</p> <p>17 A. Yeah.</p> <p>18 Q. Do you remember telling any officer that you saw</p> <p>19 what happened to your wife and that's -- at that point you</p> <p>20 started resisting the officers?</p> <p>21 A. No. I never said that. I never said --</p> <p>22 Q. Or something to that effect. I'm not saying</p> <p>23 verbatim.</p> <p>24 A. No, I never said that period.</p> <p>25 MR. POPOLIZIO: Okay.</p>
<p style="text-align: right;">440</p> <p>1 We're going to do -- we're going to play 504 to</p> <p>2 516, we're going to play it in slow speed. Okay?</p> <p>3 (Video played.)</p> <p>4 BY MR. POPOLIZIO:</p> <p>5 Q. We stopped it at 514.</p> <p>6 So you see the drive stun tase when you're on the</p> <p>7 ground; right? You saw that?</p> <p>8 A. Yeah.</p> <p>9 Q. Okay.</p> <p>10 So, when you received that tase at this, at this</p> <p>11 point, Johnny, you saw your buttocks was exposed?</p> <p>12 A. Yeah.</p> <p>13 Q. Okay.</p> <p>14 Specifically like your left buttocks.</p> <p>15 Did you see that?</p> <p>16 A. Yeah.</p> <p>17 Q. Okay.</p> <p>18 And you -- you got a taser application; correct?</p> <p>19 A. Yeah.</p> <p>20 Q. And you put both hands over your, your -- your</p> <p>21 buttocks.</p> <p>22 Did you see that?</p> <p>23 A. Yeah, I tried to get them to stop tasing me, yeah.</p> <p>24 Q. So, did you receive -- you just saw that; right?</p> <p>25 You just saw the video?</p>	<p style="text-align: right;">441</p> <p>1 A. I know exactly what happened.</p> <p>2 Q. Did it -- did it appear to you that you received</p> <p>3 the taser application to your left buttocks, upper thigh</p> <p>4 area?</p> <p>5 MS. BROADDUS: Object to form.</p> <p>6 THE WITNESS: No.</p> <p>7 BY MR. POPOLIZIO:</p> <p>8 Q. Okay. Where did it appear to you that you got</p> <p>9 that tase?</p> <p>10 A. He didn't just hold it on me like that. Okay? He</p> <p>11 ground it like this. Okay?</p> <p>12 I don't know if you can see that in the video or</p> <p>13 not, but that's what he did.</p> <p>14 All right?</p> <p>15 And when my legs were stuck together like this,</p> <p>16 okay, it makes my balls pop out, okay, in the back, is</p> <p>17 what -- what happened.</p> <p>18 All right?</p> <p>19 And when he's grounding like this, okay, he almost</p> <p>20 burst my ball. My testicle was this big around for</p> <p>21 two months.</p> <p>22 Q. Okay.</p> <p>23 A. Okay?</p> <p>24 Q. Did -- when you watched this video right there,</p> <p>25 did you see any of your testicles visible?</p>

<p style="text-align: right;">442</p> <p>1 A. No.</p> <p>2 Q. Do you see your penis visible?</p> <p>3 A. No.</p> <p>4 Q. How about your -- you know, you know what the</p> <p>5 perineum is?</p> <p>6 A. Yeah, I know what it is.</p> <p>7 Q. Okay.</p> <p>8 Did you see that?</p> <p>9 A. No.</p> <p>10 Q. So . . .</p> <p>11 While she's getting the video to that point, you</p> <p>12 said that --</p> <p>13 (Simultaneous crosstalk.)</p> <p>14 A. It might be regular --</p> <p>15 Q. -- your --</p> <p>16 A. -- both --</p> <p>17 Q. -- you said -- I'm asking you a question. Please.</p> <p>18 So when you --</p> <p>19 A. Tough to see, I'm sorry.</p> <p>20 Q. You just said that your -- your testicle was</p> <p>21 swollen?</p> <p>22 A. Yeah.</p> <p>23 Q. Was your testicle swollen when you were at the</p> <p>24 station being interviewed, at jail?</p> <p>25 A. Yeah, I told them.</p>	<p style="text-align: right;">443</p> <p>1 Q. Did you tell anybody at the station that your</p> <p>2 testicle was swollen?</p> <p>3 A. I told that blonde officer, the lady, the one that</p> <p>4 I tried to file sexual assault charges and stuff right there</p> <p>5 at the window.</p> <p>6 Q. Okay.</p> <p>7 A. I tried to --</p> <p>8 Q. Is that a yes? Because I asked you a specific</p> <p>9 question. Did you tell anybody at the station --</p> <p>10 A. I told --</p> <p>11 Q. -- when you were interviewed -- I'm not done with</p> <p>12 my question.</p> <p>13 Did you tell --</p> <p>14 A. Yes.</p> <p>15 Q. -- anybody at the station when you were</p> <p>16 interviewed that your testicle was swollen?</p> <p>17 A. I told her that my balls were hurt, yes. I told</p> <p>18 her-</p> <p>19 Q. Did you tell her it was swollen?</p> <p>20 A. No, I told her they were hurt.</p> <p>21 Q. Did you ask her at that point to -- that if you</p> <p>22 could see or get some medical attention?</p> <p>23 A. I tried to get medical attention on the scene,</p> <p>24 yes, I did.</p> <p>25 Q. Did you ask -- okay. We'll get to that.</p>
<p style="text-align: right;">444</p> <p>1 Did you ask her --</p> <p>2 A. I didn't ask her. I asked the officer.</p> <p>3 Q. Johnny, you got to listen. You got to let me</p> <p>4 finish my question.</p> <p>5 Okay?</p> <p>6 Did you ask her during that interview whether you</p> <p>7 could be seen by medical?</p> <p>8 A. No, I asked the officers --</p> <p>9 Q. Okay.</p> <p>10 A. -- right there when I was at the, at the front --</p> <p>11 at the thing, when the fire department came, I asked them to</p> <p>12 see me and they wouldn't.</p> <p>13 MR. POPOLIZIO: What's the next exhibit, Marty?</p> <p>14 THE REPORTER: Johnny, can I have the exhibits,</p> <p>15 please.</p> <p>16 THE WITNESS: Oh, I'm sorry.</p> <p>17 MR. POPOLIZIO: Can we just go off the record for</p> <p>18 a moment?</p> <p>19 THE VIDEOGRAPHER: Off the record at 5:20.</p> <p>20 (Brief pause.)</p> <p>21 THE VIDEOGRAPHER: Back on the record at 5:21.</p> <p>22 (Deposition Exhibit No. 80 was marked for</p> <p>23 identification by the reporter.)</p> <p>24 BY MR. POPOLIZIO:</p> <p>25 Q. Johnny, I'm showing you what's been marked as</p>	<p style="text-align: right;">445</p> <p>1 Exhibit 80 to your deposition.</p> <p>2 Do you see that?</p> <p>3 A. Yep.</p> <p>4 Q. Okay.</p> <p>5 And it is a multi-page document that starts with</p> <p>6 off with Bates No. CoG_Wheatcroft 036805 and runs through</p> <p>7 036811.</p> <p>8 Do you see that?</p> <p>9 A. Yes.</p> <p>10 Q. All right.</p> <p>11 And I want you -- it's a patient care report, and</p> <p>12 I want you to turn to the third page of this exhibit, which</p> <p>13 is 036807.</p> <p>14 A. Uh-hmm.</p> <p>15 Q. Are you there?</p> <p>16 A. Yep.</p> <p>17 Q. Okay. Do you see where it says narrative?</p> <p>18 Up at the top, near the top. Narrative. Right in</p> <p>19 the middle of the page.</p> <p>20 A. I might be on the wrong one.</p> <p>21 Q. No, you're not. You're -- you're on the right</p> <p>22 page.</p> <p>23 First black line --</p> <p>24 A. Yeah, yeah, yeah, I see it.</p> <p>25 Q. All right.</p>

<p style="text-align: right;">474</p> <p>1 the back. And then while you were handcuffed prone on the</p> <p>2 ground with your face on the ground, middle of July, hot</p> <p>3 asphalt pavement, your pants were pulled down, and you were</p> <p>4 tased in the testicles.</p> <p>5 Is that what happened to you?</p> <p>6 MR. POPOLIZIO: Objection; form.</p> <p>7 THE WITNESS: Yes.</p> <p>8 BY MS. BROADDUS:</p> <p>9 Q. Okay.</p> <p>10 How did that make you feel?</p> <p>11 MR. POPOLIZIO: Objection; form.</p> <p>12 THE WITNESS: Pretty bad.</p> <p>13 BY MS. BROADDUS:</p> <p>14 Q. Now, if we go back to why you were pulled over --</p> <p>15 well, first of all, you weren't even driving that day. You</p> <p>16 were a passenger; correct?</p> <p>17 A. Correct.</p> <p>18 Q. And were you ever told specifically why the car</p> <p>19 was being pulled over?</p> <p>20 MR. POPOLIZIO: Form.</p> <p>21 THE WITNESS: No.</p> <p>22 BY MS. BROADDUS:</p> <p>23 Q. You weren't told that; fair?</p> <p>24 MR. POPOLIZIO: Form.</p> <p>25 THE WITNESS: No.</p>	<p style="text-align: right;">475</p> <p>1 BY MS. BROADDUS:</p> <p>2 Q. Were you ever told that you were ever to get out</p> <p>3 of the car?</p> <p>4 MR. POPOLIZIO: Form.</p> <p>5 THE WITNESS: No.</p> <p>6 BY MS. BROADDUS:</p> <p>7 Q. Were you ever told why they were pulling you or</p> <p>8 trying to drag you out of the car or tasing you?</p> <p>9 MR. POPOLIZIO: Form.</p> <p>10 THE WITNESS: No.</p> <p>11 BY MS. BROADDUS:</p> <p>12 Q. Did anyone -- you were charged with resisting</p> <p>13 arrest; is that correct?</p> <p>14 A. Yes.</p> <p>15 Q. What arrest -- do you know what arrest you were</p> <p>16 resisting?</p> <p>17 MR. POPOLIZIO: Form.</p> <p>18 THE WITNESS: I don't know.</p> <p>19 BY MS. BROADDUS:</p> <p>20 Q. So you charged with resisting arrest, but you</p> <p>21 don't know what you were being arrested for. Fair</p> <p>22 statement?</p> <p>23 A. Yes.</p> <p>24 Q. Did you ever get a citation for not wearing your</p> <p>25 seat belt that day?</p>
<p style="text-align: right;">476</p> <p>1 A. No.</p> <p>2 Q. Were you wearing your seat belt that day when you</p> <p>3 were a passenger in the car when the car entered the parking</p> <p>4 lot at Motel 6?</p> <p>5 A. Yes.</p> <p>6 Q. And after the vehicle was -- do you know whether</p> <p>7 your seat belt came off unlatched before or after the car</p> <p>8 was in the parking spot that it was in?</p> <p>9 MR. POPOLIZIO: Form.</p> <p>10 THE WITNESS: It was still latched when the cop</p> <p>11 first talked to me.</p> <p>12 Because I had money in my hand, and I tried to</p> <p>13 undo it on and I couldn't do it because my thumb doesn't</p> <p>14 bend. And so I was trying to undo it.</p> <p>15 It was after he walked away from my door I</p> <p>16 believe. But he had already come and talked to me, and I</p> <p>17 was undoing my seat belt.</p> <p>18 BY MS. BROADDUS:</p> <p>19 Q. You were asked some questions about shady</p> <p>20 disposition, so to speak, of this Motel 6, asked about</p> <p>21 prostitution, asked about car thefts and drug deals and all</p> <p>22 that stuff that goes on in this parking lot.</p> <p>23 Isn't this Motel 6 right by the police station?</p> <p>24 A. Yes. Right across the street.</p> <p>25 Q. The Glendale police station; correct?</p>	<p style="text-align: right;">477</p> <p>1 A. Yeah.</p> <p>2 MS. BROADDUS: All right. We'll read and sign.</p> <p>3 MR. POPOLIZIO: Okay. Thank you.</p> <p>4 THE VIDEOGRAPHER: This concludes today's</p> <p>5 deposition. Off the record at 5:56.</p> <p>6 (Whereupon, the deposition concluded.)</p> <p>7</p> <p>8</p> <p>9</p> <p style="text-align: center;">_____ JOHNNY WHEATCROFT</p> <p>10</p> <p>11</p> <p>12 * * * * *</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

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1 STATE OF ARIZONA)
) SS
 2 COUNTY OF MARICOPA)
 3 C E R T I F I C A T E
 4 BE IT KNOWN that the foregoing proceedings were taken
 before me; that the witness before testifying was duly
 5 sworn by me to testify to the whole truth; that the 477
 foregoing pages are a full, true and accurate record of the
 6 proceedings, all done to the best of my skill and ability;
 that the proceedings were taken down by me in shorthand and
 7 thereafter reduced to print under my direction.
 8 I CERTIFY that I am in no way related to any of the
 parties hereto nor am I in any way interested in the
 9 outcome hereof.

10 ☒ Review and signature was requested.
 11 ☐ Review and signature was waived.
 12 ☐ Review and signature not required.

I CERTIFY that I have complied with the ethical
 13 obligations set forth in ACJA 7-206.
 14 Dated this 31st day of January, 2021,
 Chandler, Arizona.

15
 16
 17 C. Martin Herder, CSR, CCR
 18 Certified Reporter
 Arizona CCR No. 50162

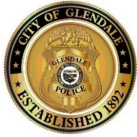
19
 20 It is FURTHER CERTIFIED that Herder & Associates,
 Registered Reporting Firm, has complied with the ethical
 21 obligations set forth in ACJA 7-206.
 22
 23

24 Registered Reporting Firm
 Arizona RRF No. R1145
 25

EXHIBIT 2

Non-Electronic Exhibit - CD

EXHIBIT 3



Location History Report

Location: 7116 n 59th ave Apartment/Unit#
From: 1/1/2016 To: 12/31/2017



Calls For Service

Event	Date/Time	Apt	Call Title	Dispo	Officer
E1600000711	1/2/2016 13:01		THEFT	CONTACT MADE, NO PAPERWORK	JONES, JASON #14688
E1600000848	1/2/2016 19:01	129	INJURED OR SICK PERSON	CONTACT MADE, NO PAPERWORK	FINK, NATHANIEL #17071
E1600000952	1/3/2016 00:01		LOUD MUSIC OR NOISE DISTURBING	CONTACT MADE, NO PAPERWORK	BRILL, JOSHUA #16583
E1600001373	1/4/2016 08:01		THEFT	CONTACT MADE, NO PAPERWORK	TORRES, JAMES #11260
E1600002867	1/7/2016 15:01		SUSPICIOUS CIRCUMSTANCE	OFFENSE REPORT	LARSEN, KRISTOPHER #16907
E1600003241	1/8/2016 11:01		CHECK WELFARE	CONTACT MADE, NO PAPERWORK	MISNER, GERALD #15179
E1600004008	1/10/2016 01:01		INTENSIVE PATROL (PREVENTATIVE)	CONTACT MADE, NO PAPERWORK	SINGER, ELAINE #10643
E1600004438	1/11/2016 01:01		INTENSIVE PATROL (PREVENTATIVE)	CONTACT MADE, NO PAPERWORK	FAIR, LANCE #16781
E1600004888	1/12/2016 00:01	260	SUBJ DISTURBING/HARASSING	CONTACT MADE, NO PAPERWORK	CLUBB, JONATHAN #16439
E1600005212	1/12/2016 15:01		INTENSIVE PATROL (PREVENTATIVE)	CONTACT MADE, NO PAPERWORK	ATEN, BRIAN #15250
E1600005250	1/12/2016 17:01		INTENSIVE PATROL (PREVENTATIVE)	CONTACT MADE, NO PAPERWORK	ATEN, BRIAN #15250
E1600005426	1/13/2016 02:01		THEFT OF VEHICLE	OFFENSE REPORT	MCLEOD, BRET #11368
E1600005830	1/13/2016 21:01		INTENSIVE PATROL (PREVENTATIVE)	CONTACT MADE, NO PAPERWORK	ATEN, BRIAN #15250
E1600006379	1/14/2016 22:01		FIELD CONTACT	CONTACT MADE, NO PAPERWORK	HARDESTY, SHAUN #11575
E1600006435	1/15/2016 00:01	136	UNWANTED GUESTS	CONTACT MADE, NO PAPERWORK	BROYLES, JOSHUA #16871
E1600006445	1/15/2016 01:01	136	SUBJ DISTURBING/HARASSING	CONTACT MADE, NO PAPERWORK	BROYLES, JOSHUA #16871
E1600007020	1/16/2016 11:01		THEFT	OFFENSE REPORT	MISNER, GERALD #15179
E1600007224	1/16/2016 20:01		SUSPICIOUS VEHICLE	CONTACT MADE, NO PAPERWORK	LARSEN, KRISTOPHER #16907
E1600007577	1/17/2016 16:01		INTENSIVE PATROL (PREVENTATIVE)	CONTACT MADE, NO PAPERWORK	ATEN, BRIAN #15250
E1600008231	1/19/2016 08:01		TRESPASSING	CONTACT MADE, NO PAPERWORK	HUBBUCH, JAMISON #12524

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E1600008506	1/19/2016 19:01	282	FAMILY FIGHT/DOMESTIC VIOLENCE	CONTACT MADE, NO PAPERWORK	DOERR, GLENN #15123
E1600009755	1/22/2016 01:01		PODD	OFFENSE REPORT	YATES, AADAM #13508
E1600009793	1/22/2016 03:01		INTENSIVE PATROL (PREVENTATIVE)	CONTACT MADE, NO PAPERWORK	CARROLL, JOSHUA #16003
E1600010042	1/22/2016 15:01		TRESPASSING	CONTACT MADE, NO PAPERWORK	SMITH, ALISSANDRA #16910
E1600010224	1/22/2016 23:01		SUSPICIOUS VEHICLE	CONTACT MADE, NO PAPERWORK	YATES, AADAM #13508
E1600010320	1/23/2016 04:01		FIELD CONTACT	CONTACT MADE, NO PAPERWORK	SINGER, ELAINE #10643
E1600011046	1/24/2016 20:01		INTENSIVE PATROL (PREVENTATIVE)	CONTACT MADE, NO PAPERWORK	ATEN, BRIAN #15250
E1600011169	1/25/2016 02:01		INTENSIVE PATROL (PREVENTATIVE)	CONTACT MADE, NO PAPERWORK	CLUBB, JONATHAN #16439
E1600012135	1/26/2016 22:01		THEFT	OFFENSE REPORT	RAMSAY, JUSTIN #15093
E1600012565	1/27/2016 18:01		INTENSIVE PATROL (PREVENTATIVE)	CONTACT MADE, NO PAPERWORK	ATEN, BRIAN #15250
E1600012977	1/28/2016 12:01		SUSPICIOUS PERSON/CIRCUMSTANCE	OFFENSE REPORT	HUBBUCH, JAMISON #12524
E1600013066	1/28/2016 15:01		CIVIL ISSUE	CONTACT MADE, NO PAPERWORK	SEIDL, ALLAN #16321
E1600013309	1/29/2016 02:01		SUSPICIOUS VEHICLE	CONTACT MADE, NO PAPERWORK	COLLINS, SCOTT #15178
E1600013964	1/30/2016 14:01		SUBJ DISTURBING/HARASSING	CONTACT MADE, NO PAPERWORK	SEIDL, ALLAN #16321
E1600014347	1/31/2016 13:01		THEFT	OFFENSE REPORT	GELLMAN, RACHEL #14572
E1600015004	2/1/2016 17:02		THEFT	CONTACT MADE, NO PAPERWORK	STANFIELD, BRIAN #10239
E1600015015	2/1/2016 18:02		P.R. CONTACT	CONTACT MADE, NO PAPERWORK	PLAISTED, ROBERT #17193
E1600015061	2/1/2016 20:02		INTENSIVE PATROL (PREVENTATIVE)	CONTACT MADE, NO PAPERWORK	STANFIELD, BRIAN #10239
E1600015469	2/2/2016 15:02		CIVIL ISSUE	CONTACT MADE, NO PAPERWORK	DOERR, GLENN #15123
E1600015685	2/3/2016 02:02		SUSPICIOUS VEHICLE	CONTACT MADE, NO PAPERWORK	COLLINS, SCOTT #15178
E1600015717	2/3/2016 04:02		CHECK WELFARE	FIELD INTERVIEW CARD	KING, MARCUS #17000
E1600016080	2/3/2016 17:02		INTENSIVE PATROL (PREVENTATIVE)	CONTACT MADE, NO PAPERWORK	ATEN, BRIAN #15250
E1600017398	2/5/2016 22:02		FIELD CONTACT	CONTACT MADE, NO PAPERWORK	COLLINS, SCOTT #15178

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E1600017414	2/5/2016 22:02	278	911 HANGUP, CHECK WELFARE	CONTACT MADE, NO PAPERWORK	YATES, AADAM #13508
E1600018621	2/8/2016 14:02		TRESPASSING	FIELD INTERVIEW CARD	ROOKS, JORDAN #17143
E1600018873	2/9/2016 03:02		CHECK WELFARE	CONTACT MADE, NO PAPERWORK	CLUBB, JONATHAN #16439
E1600019735	2/10/2016 16:02	122	ATTEMPT SUICIDE	CONTACT MADE, NO PAPERWORK	MILLANES, FRANCISCO #17250
E1600019750	2/10/2016 17:02		UNWANTED GUESTS	FIELD INTERVIEW CARD	SMITH, ALISSANDRA #16910
E1600020702	2/12/2016 11:02		POSSESSION OF MARIJUANA	OFFENSE REPORT NRU	PITTMAN, JEFFREY #12718
E1600020704	2/12/2016 11:02		POSSESSION OF DANGEROUS DRUGS	OFFENSE REPORT NRU	SCHNEIDER, MATTHEW #12251
E1600022744	2/16/2016 15:02		THEFT	OFFENSE REPORT	TURSKI, CHRISTOPHER #14529
E1600022784	2/16/2016 16:02		INTENSIVE PATROL (PREVENTATIVE)	CONTACT MADE, NO PAPERWORK	ATEN, BRIAN #15250
E1600022862	2/16/2016 19:02		ASSAULT	OFFENSE REPORT	CARFAGNA, NICOLINO #15252
E1600023254	2/17/2016 12:02		UNWANTED GUESTS	FIELD INTERVIEW CARD	ROOKS, JORDAN #17143
E1600024139	2/18/2016 23:02		FIELD CONTACT	CONTACT MADE, NO PAPERWORK	YATES, AADAM #13508
E1600024217	2/19/2016 03:02		FIELD CONTACT	CONTACT MADE, NO PAPERWORK	LA BRANT, DONALD #8917
E1600024759	2/20/2016 00:02		FIELD CONTACT	CONTACT MADE, NO PAPERWORK	HARDESTY, SHAUN #11575
E1600024789	2/20/2016 03:02		SUSPICIOUS VEHICLE	CONTACT MADE, NO PAPERWORK	COLLINS, SCOTT #15178
E1600025264	2/21/2016 02:02		TRESPASSING	CONTACT MADE, NO PAPERWORK	HARDESTY, SHAUN #11575
E1600025570	2/21/2016 20:02		INTENSIVE PATROL (PREVENTATIVE)	CONTACT MADE, NO PAPERWORK	ATEN, BRIAN #15250
E1600025683	2/22/2016 01:02		TRESPASSING	CONTACT MADE, NO PAPERWORK	CLUBB, JONATHAN #16439
E1600026027	2/22/2016 18:02		SUBJ DISTURBING/HARASSING	CONTACT MADE, NO PAPERWORK	DOERR, GLENN #15123
E1600026235	2/23/2016 07:02		THEFT	OFFENSE REPORT	LIVINGSTON, JENNIFER #12223
E1600026669	2/23/2016 23:02		SPEEDING OR RACING	CONTACT MADE, NO PAPERWORK	CLUBB, JONATHAN #16439
E1600028810	2/27/2016 23:02		FIELD CONTACT	CONTACT MADE, NO PAPERWORK	CLUBB, JONATHAN #16439
E1600029054	2/28/2016 14:02		INTENSIVE PATROL (PREVENTATIVE)	CONTACT MADE, NO PAPERWORK	STANFIELD, BRIAN #10239

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E1600029109	2/28/2016 15:02		INTENSIVE PATROL (PREVENTATIVE)	CONTACT MADE, NO PAPERWORK	ATEN, BRIAN #15250
E1600029228	2/28/2016 21:02		FIELD CONTACT	CONTACT MADE, NO PAPERWORK	ATEN, BRIAN #15250
E1600030320	3/1/2016 23:03		POND FOR SALE	SUPPLEMENTAL REPORT	YATES, AADAM #13508
E1600030337	3/1/2016 23:03		MISCONDUCT W/WEAPONS	OFFENSE REPORT	YATES, AADAM #13508
E1600030917	3/3/2016 02:03		FIELD CONTACT	CONTACT MADE, NO PAPERWORK	ANDERSON, BRYAN #11307
E1600030980	3/3/2016 07:03		INVESTIGATE UNKNOWN TROUBLE	CONTACT MADE, NO PAPERWORK	HUBBUCH, JAMISON #12524
E1600032282	3/5/2016 13:03		SUSPICIOUS VEHICLE	CONTACT MADE, NO PAPERWORK	ALLOWAY, JEFFREY #15779
E1600032834	3/6/2016 19:03		INTENSIVE PATROL (PREVENTATIVE)	CONTACT MADE, NO PAPERWORK	ATEN, BRIAN #15250
E1600033401	3/8/2016 03:03		INTENSIVE PATROL (PREVENTATIVE)	CONTACT MADE, NO PAPERWORK	BASTIN, CHRISTOPHER #16581
E1600033599	3/8/2016 12:03	293	THEFT	OFFENSE REPORT	KULB, STEVEN #12430
E1600033844	3/8/2016 21:03		INJURED OR SICK PERSON	ASSIST FIRE DEPARTMENT	CARFAGNA, NICOLINO #15252
E1600034220	3/9/2016 15:03		POSSESSION OF MARIJUANA	OFFENSE REPORT	ATEN, BRIAN #15250
E1600035657	3/12/2016 00:03		LOSS REPORT	OFFENSE REPORT	COLLINS, SCOTT #15178
E1600036279	3/13/2016 10:03		P.R. CONTACT	CONTACT MADE, NO PAPERWORK	MILLS, GREGORY #15610
E1600037720	3/16/2016 08:03		CRIMINAL DAMAGE	OFFENSE REPORT	KULB, STEVEN #12430
E1600038507	3/17/2016 17:03		SUSPICIOUS PERSON/CIRCUMSTANCE	FIELD INTERVIEW NRU	PITTMAN, JEFFREY #12718
E1600039148	3/18/2016 17:03		SUSPICIOUS PERSON/CIRCUMSTANCE	CONTACT MADE, NO PAPERWORK	WAITE, SCOTT #14091
E1600039281	3/18/2016 22:03	121	ASSAULT	OFFENSE REPORT	SINGER, ELAINE #10643
E1600039788	3/20/2016 00:03		SUBJ DISTURBING/HARASSING	UNABLE TO LOCATE	LA BRANT, DONALD #8917
E1600041537	3/23/2016 16:03		MISDEMEANOR WNT OUTSTANDING	FIELD INTERVIEW CARD	DOERR, GLENN #15123
E1600043810	3/28/2016 03:03		POSSESSION OF DRUG PARAPHERNALIA	OFFENSE REPORT	HUNTER, KEITH #16887
E1600044215	3/28/2016 21:03		911 HANGUP, CHECK WELFARE	CONTACT MADE, NO PAPERWORK	FAIR, LANCE #16781
E1600044282	3/29/2016 02:03		DV/DISORDERLY CONDUCT	OFFENSE REPORT	FAIR, LANCE #16781

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E1600047244	4/3/2016 15:04		INTENSIVE PATROL (PREVENTATIVE)	CONTACT MADE, NO PAPERWORK	ATEN, BRIAN #15250
E1600047417	4/3/2016 22:04		LOUD MUSIC OR NOISE DISTURBING	CONTACT MADE, NO PAPERWORK	BRILL, JOSHUA #16583
E1600048899	4/6/2016 20:04		INTENSIVE PATROL (PREVENTATIVE)	CONTACT MADE, NO PAPERWORK	ATEN, BRIAN #15250
E1600050921	4/10/2016 19:04		POSS OF DANGEROUS DRUGS	OFFENSE REPORT	ATEN, BRIAN #15250
E1600051057	4/11/2016 01:04		MISCONDUCT INVOLVING WEAPONS	OFFENSE REPORT	PEREZ, DANIEL #16909
E1600051590	4/12/2016 04:04		TRESPASSING	FIELD INTERVIEW CARD	BASTIN, CHRISTOPHER #16581
E1600051601	4/12/2016 05:04		THEFT FROM VEHICLE	OFFENSE REPORT	ZARAGOZA, SAMANTHA #13340
E1600052053	4/12/2016 20:04		INTENSIVE PATROL (PREVENTATIVE)	CONTACT MADE, NO PAPERWORK	ATEN, BRIAN #15250
E1600052167	4/13/2016 03:04		SUSPICIOUS PERSON/CIRCUMSTANCE	CONTACT MADE, NO PAPERWORK	CLUBB, JONATHAN #16439
E1600052552	4/13/2016 18:04		THEFT	OFFENSE REPORT	LARSEN, KRISTOPHER #16907
E1600052736	4/14/2016 07:04		RECOVERY OF VEHICLE	OFFENSE REPORT	MCLEOD, BRET #11368
E1600053103	4/14/2016 19:04		SUSPICIOUS PERSON/CIRCUMSTANCE	CONTACT MADE, NO PAPERWORK	SEIDL, ALLAN #16321
E1600053584	4/15/2016 17:04		FIELD CONTACT	CONTACT MADE, NO PAPERWORK	SEIDL, ALLAN #16321
E1600053938	4/16/2016 10:04		RECOVERY OF VEHICLE	SUPPLEMENTAL REPORT	DIRKS, SHAWN #13103
E1600054571	4/17/2016 16:04		INTENSIVE PATROL (PREVENTATIVE)	CONTACT MADE, NO PAPERWORK	ATEN, BRIAN #15250
E1600056429	4/21/2016 00:04		MISDEMEANOR WNT OUTSTANDING	CONTACT MADE, NO PAPERWORK	ANDERSON, BRYAN #11307
E1600057319	4/22/2016 13:04		HIT AND RUN, NON-INJURY	ACCIDENT	FINK, NATHANIEL #17071
E1600057834	4/23/2016 12:04		CIVIL ISSUE	CONTACT MADE, NO PAPERWORK	SEIDL, ALLAN #16321
E1600058222	4/24/2016 05:04		CIVIL ISSUE	CONTACT MADE, NO PAPERWORK	COLLINS, SCOTT #15178
E1600058446	4/24/2016 17:04		INTENSIVE PATROL (PREVENTATIVE)	CONTACT MADE, NO PAPERWORK	ATEN, BRIAN #15250
E1600058908	4/25/2016 16:04			CONTACT MADE, NO PAPERWORK	DOERR, GLENN #15123
E1600059134	4/25/2016 22:04		TRAFFIC STOP	CONTACT MADE, NO PAPERWORK	KING, MARCUS #17000
E1600059241	4/26/2016 06:04		SUBJ DISTURBING/HARASSING	FIELD INTERVIEW CARD	HANEY, ANTHONY #9971

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E1600059301	4/26/2016 08:04		TRESPASSING	CONTACT MADE, NO PAPERWORK	KULB, STEVEN #12430
E1600059370	4/26/2016 10:04		TRESPASSING	UNABLE TO LOCATE	GONZALEZ, LARRY #10659
E1600059413	4/26/2016 12:04		TRESPASSING	FIELD INTERVIEW CARD	ZARAGOZA, SAMANTHA #13340
E1600060059	4/27/2016 15:04		SUSPICIOUS VEHICLE	CONTACT MADE, NO PAPERWORK	STANFIELD, BRIAN #10239
E1600060088	4/27/2016 15:04		INTENSIVE PATROL (PREVENTATIVE)	CONTACT MADE, NO PAPERWORK	STANFIELD, BRIAN #10239
E1600060122	4/27/2016 16:04		INTENSIVE PATROL (PREVENTATIVE)	CONTACT MADE, NO PAPERWORK	STANFIELD, BRIAN #10239
E1600060215	4/27/2016 20:04		TRAFFIC STOP	CONTACT MADE, NO PAPERWORK	DIRKS, SHAWN #13103
E1600061611	4/30/2016 03:04		FIELD CONTACT	CONTACT MADE, NO PAPERWORK	COLLINS, SCOTT #15178
E1600062306	5/1/2016 15:05		INTENSIVE PATROL (PREVENTATIVE)	CONTACT MADE, NO PAPERWORK	STANFIELD, BRIAN #10239
E1600062333	5/1/2016 16:05		INTENSIVE PATROL (PREVENTATIVE)	CONTACT MADE, NO PAPERWORK	STANFIELD, BRIAN #10239
E1600062519	5/2/2016 01:05		INTENSIVE PATROL (PREVENTATIVE)	CONTACT MADE, NO PAPERWORK	ZYGMONT, WESLEY #11372
E1600062829	5/2/2016 17:05		INTENSIVE PATROL (PREVENTATIVE)	CONTACT MADE, NO PAPERWORK	ATEN, BRIAN #15250
E1600062898	5/2/2016 20:05		MISDEMEANOR WNT OUTSTANDING	FIELD INTERVIEW CARD	ATEN, BRIAN #15250
E1600063360	5/3/2016 15:05		FELONY FLIGHT	OFFENSE REPORT	ATEN, BRIAN #15250
E1600063545	5/3/2016 22:05		FIELD CONTACT	CONTACT MADE, NO PAPERWORK	YATES, AADAM #13508
E1600064619	5/5/2016 18:05		MISDEMEANOR WNT OUTSTANDING	FIELD INTERVIEW NRU	SCHNEIDER, MATTHEW #12251
E1600065953	5/8/2016 13:05		FAMILY FIGHT/DOMESTIC VIOLENCE	FIELD INTERVIEW CARD	SAYLOR, JAMES #16782
E1600066073	5/8/2016 18:05		INTENSIVE PATROL (PREVENTATIVE)	CONTACT MADE, NO PAPERWORK	STANFIELD, BRIAN #10239
E1600066119	5/8/2016 20:05		SUBJ DISTURBING/HARASSING	CONTACT MADE, NO PAPERWORK	CARFAGNA, NICOLINO #15252
E1600066239	5/9/2016 05:05		ASSAULT	OFFENSE REPORT	CLUBB, JONATHAN #16439
E1600066280	5/9/2016 07:05	290	INSANE PERSON	CONTACT MADE, NO PAPERWORK	MISNER, GERALD #15179
E1600066716	5/10/2016 02:05		TRAFFIC STOP	CONTACT MADE, NO PAPERWORK	MACDONALD, ROBERT #10704
E1600066771	5/10/2016 07:05	121	INSANE PERSON	CONTACT MADE, NO PAPERWORK	TORRES, JAMES #11260
E1600067377	5/11/2016 08:05		INTENSIVE PATROL (PREVENTATIVE)	CONTACT MADE, NO PAPERWORK	REBHOLZ, JOHN #12374

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E1600068340	5/13/2016 01:05		BURGLARY VEHICLE	OFFENSE REPORT	KUEFER, WESLEY #16905
E1600068391	5/13/2016 07:05		BURGLARY VEHICLE	CONTACT MADE, NO PAPERWORK	JONES, JASON #14688
E1600068396	5/13/2016 07:05		INTENSIVE PATROL (PREVENTATIVE)	CONTACT MADE, NO PAPERWORK	REBHOLZ, JOHN #12374
E1600068455	5/13/2016 09:05		THEFT	CONTACT MADE, NO PAPERWORK	GONZALEZ, LARRY #10659
E1600068752	5/13/2016 20:05	123	SOLICITING	CONTACT MADE, NO PAPERWORK	ROWE, TORII #17074
E1600069737	5/16/2016 01:05		INTENSIVE PATROL (PREVENTATIVE)	CONTACT MADE, NO PAPERWORK	BRILL, JOSHUA #16583
E1600070159	5/16/2016 20:05		INTENSIVE PATROL (PREVENTATIVE)	CONTACT MADE, NO PAPERWORK	ATEN, BRIAN #15250
E1600070721	5/17/2016 21:05		INTENSIVE PATROL (PREVENTATIVE)	CONTACT MADE, NO PAPERWORK	ATEN, BRIAN #15250
E1600070755	5/17/2016 22:05		BACK UP, ASSIST	ASSIST OTHER AGENCY	KING, MARCUS #17000
E1600071187	5/18/2016 18:05		INTENSIVE PATROL (PREVENTATIVE)	CONTACT MADE, NO PAPERWORK	ATEN, BRIAN #15250
E1600071268	5/18/2016 23:05		FIELD CONTACT	CONTACT MADE, NO PAPERWORK	HARDESTY, SHAUN #11575
E1600072247	5/20/2016 15:05		FIELD CONTACT	CONTACT MADE, NO PAPERWORK	CARLO, RICARDO #15952
E1600072788	5/21/2016 19:05		CRIMINAL DAMAGE	OFFENSE REPORT	RATLIFF, TREVOR #17222
E1600072925	5/22/2016 02:05		INTENSIVE PATROL (PREVENTATIVE)	CONTACT MADE, NO PAPERWORK	BRILL, JOSHUA #16583
E1600073362	5/23/2016 02:05		BURGLARY FROM VEHICLE	OFFENSE REPORT	BRILL, JOSHUA #16583
E1600073575	5/23/2016 12:05		BURGLARY VEHICLE	SUPPLEMENTAL REPORT	HUBBUCH, JAMISON #12524
E1600073819	5/23/2016 23:05		FIGHT	UNABLE TO LOCATE	BRILL, JOSHUA #16583
E1600074397	5/25/2016 00:05		INTENSIVE PATROL (PREVENTATIVE)	CONTACT MADE, NO PAPERWORK	BRILL, JOSHUA #16583
E1600074821	5/25/2016 17:05		NARCOTICS	CONTACT MADE, NO PAPERWORK	LINDSEY, MARK #15543
E1600075726	5/27/2016 12:05		TRAFFIC STOP	CONTACT MADE, NO PAPERWORK	SCHNEIDER, MATTHEW #12251
E1600076155	5/28/2016 07:05		FAMILY FIGHT/DOMESTIC VIOLENCE	CONTACT MADE, NO PAPERWORK	GELLMAN, RACHEL #14572
E1600076604	5/29/2016 01:05		INTENSIVE PATROL (PREVENTATIVE)	CONTACT MADE, NO PAPERWORK	BRILL, JOSHUA #16583
E1600076649	5/29/2016 03:05		SUSPICIOUS VEHICLE	CONTACT MADE, NO PAPERWORK	CLUBB, JONATHAN #16439

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E1600076847	5/29/2016 17:05		INTENSIVE PATROL (PREVENTATIVE)	CONTACT MADE, NO PAPERWORK	ATEN, BRIAN #15250
E1600077042	5/30/2016 03:05		INTENSIVE PATROL (PREVENTATIVE)	CONTACT MADE, NO PAPERWORK	BRILL, JOSHUA #16583
E1600077318	5/30/2016 15:05		INTENSIVE PATROL (PREVENTATIVE)	CONTACT MADE, NO PAPERWORK	ATEN, BRIAN #15250
E1600077415	5/30/2016 20:05		TRESPASSING	OFFENSE REPORT	ATEN, BRIAN #15250
E1600077945	5/31/2016 19:05		911 HANGUP, CHECK WELFARE	CONTACT MADE, NO PAPERWORK	STANFIELD, BRIAN #10239
E1600078457	6/1/2016 16:06		SUSPICIOUS VEHICLE	CONTACT MADE, NO PAPERWORK	ATEN, BRIAN #15250
E1600079190	6/2/2016 22:06		FIELD CONTACT	CONTACT MADE, NO PAPERWORK	YATES, AADAM #13508
E1600079374	6/3/2016 07:06		SUBJ DISTURBING/HARASSING	CONTACT MADE, NO PAPERWORK	MISNER, GERALD #15179
E1600079866	6/4/2016 00:06		FIELD CONTACT	CONTACT MADE, NO PAPERWORK	ANDERSON, BRYAN #11307
E1600080145	6/4/2016 18:06		CRIMINAL DAMAGE	OFFENSE REPORT	LARSEN, KRISTOPHER #16907
E1600080748	6/5/2016 23:06		SUBJ DISTURBING/HARASSING	CONTACT MADE, NO PAPERWORK	HORNBAKER, KYLE #17072
E1600081434	6/7/2016 10:06		BACK UP, ASSIST	ASSIST FIRE DEPARTMENT	HUBBUCH, JAMISON #12524
E1600081673	6/7/2016 19:06		SUSPICIOUS VEHICLE	FIELD INTERVIEW NRU	LEWIS, LEROY #15542
E1600081794	6/8/2016 02:06		FIELD CONTACT	CONTACT MADE, NO PAPERWORK	COLLINS, SCOTT #15178
E1600082124	6/8/2016 19:06		INTENSIVE PATROL (PREVENTATIVE)	CONTACT MADE, NO PAPERWORK	ATEN, BRIAN #15250
E1600083528	6/11/2016 09:06	120	THEFT	CONTACT MADE, NO PAPERWORK	MISNER, GERALD #15179
E1600083619	6/11/2016 13:06		MISSING PERSON	CONTACT MADE, NO PAPERWORK	QUEENAN, JOEL #16320
E1600083910	6/12/2016 02:06		INTENSIVE PATROL (PREVENTATIVE)	CONTACT MADE, NO PAPERWORK	BRILL, JOSHUA #16583
E1600084031	6/12/2016 12:06		911 HANGUP, CHECK WELFARE	CONTACT MADE, NO PAPERWORK	SCHMUCK, ROBERT #11194
E1600084081	6/12/2016 16:06		INTENSIVE PATROL (PREVENTATIVE)	NO ACTION	, ATL CALL (FROM CAD) #9000
E1600084407	6/13/2016 11:06		FOUND PROPERTY	OFFENSE REPORT	JONES, JASON #14688
E1600084713	6/13/2016 23:06		TRESPASSING	CONTACT MADE, NO PAPERWORK	CLUBB, JONATHAN #16439
E1600084747	6/14/2016 01:06		INTENSIVE PATROL (PREVENTATIVE)	CONTACT MADE, NO PAPERWORK	FAIR, LANCE #16781
E1600084762	6/14/2016 01:06		INTENSIVE PATROL (PREVENTATIVE)	CONTACT MADE, NO PAPERWORK	KING, MARCUS #17000

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E1600085786	6/15/2016 20:06		INTENSIVE PATROL (PREVENTATIVE)	CONTACT MADE, NO PAPERWORK	ATEN, BRIAN #15250
E1600087872	6/20/2016 00:06		FIELD CONTACT	CONTACT MADE, NO PAPERWORK	CARLO, RICARDO #15952
E1600088222	6/20/2016 18:06		INTENSIVE PATROL (PREVENTATIVE)	CONTACT MADE, NO PAPERWORK	ATEN, BRIAN #15250
E1600088313	6/20/2016 23:06		FIELD CONTACT	CONTACT MADE, NO PAPERWORK	ATEN, BRIAN #15250
E1600088373	6/21/2016 02:06		INTENSIVE PATROL (PREVENTATIVE)	CONTACT MADE, NO PAPERWORK	BRILL, JOSHUA #16583
E1600088758	6/21/2016 18:06		FIELD CONTACT	CONTACT MADE, NO PAPERWORK	ATEN, BRIAN #15250
E1600088860	6/21/2016 22:06	131	AGGRAVATED ASSAULT	OFFENSE REPORT	FAIR, LANCE #16781
E1600088936	6/22/2016 03:06		SHOTS FIRED	UNABLE TO LOCATE	YATES, AADAM #13508
E1600089323	6/22/2016 15:06		CHECK WELFARE	UNABLE TO LOCATE	SEIDL, ALLAN #16321
E1600089354	6/22/2016 17:06		NARCOTICS	OFFENSE REPORT NRU	LEWIS, LEROY #15542
E1600089360	6/22/2016 16:06		CHECK WELFARE	CONTACT MADE, NO PAPERWORK	DOERR, GLENN #15123
E1600089574	6/23/2016 05:06		SUSPICIOUS PERSON/CIRCUMSTANCE	FIELD INTERVIEW CARD	SINGER, ELAINE #10643
E1600089852	6/23/2016 14:06		TRESPASSING	FIELD INTERVIEW CARD	LARSEN, KRISTOPHER #16907
E1600090013	6/23/2016 20:06		THEFT	OFFENSE REPORT	LARSEN, KRISTOPHER #16907
E1600090116	6/24/2016 02:06		FIELD CONTACT	CONTACT MADE, NO PAPERWORK	COLLINS, SCOTT #15178
E1600090188	6/24/2016 08:06		STOLEN VEHICLE/FOJ RECOVERY	OFFENSE REPORT	MCLEOD, BRET #11368
E1600090642	6/25/2016 00:06		UNWANTED GUESTS	FIELD INTERVIEW CARD	COLLINS, SCOTT #15178
E1600091158	6/26/2016 02:06		INTENSIVE PATROL (PREVENTATIVE)	CONTACT MADE, NO PAPERWORK	BRILL, JOSHUA #16583
E1600091174	6/26/2016 03:06		FIELD CONTACT	CONTACT MADE, NO PAPERWORK	FAIR, LANCE #16781
E1600091487	6/26/2016 21:06		P.R. CONTACT	CONTACT MADE, NO PAPERWORK	KING, MARCUS #17000
E1600092641	6/29/2016 03:06		INTENSIVE PATROL (PREVENTATIVE)	CONTACT MADE, NO PAPERWORK	BRILL, JOSHUA #16583
E1600092645	6/29/2016 03:06		POSSESSION OF NARCOTIC DRUGS	OFFENSE REPORT	BRILL, JOSHUA #16583
E1600092942	6/29/2016 14:06		TRESPASSING	CONTACT MADE, NO PAPERWORK	GRIFFITH, MICHAEL #9974
E1600093146	6/29/2016 23:06		INTENSIVE PATROL (PREVENTATIVE)	CONTACT MADE, NO PAPERWORK	BRILL, JOSHUA #16583

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E1600093534	6/30/2016 15:06		FIELD CONTACT	FIELD INTERVIEW NRU	DAVIDGE, JOHN #15637
E1600094027	7/1/2016 15:07	278	CHECK WELFARE	CONTACT MADE, NO PAPERWORK	LARSEN, KRISTOPHER #16907
E1600094111	7/1/2016 18:07		FIELD CONTACT	GANG ACTIVITY NO OFFENSE REPORT	JOHNSTON, WILLIAM #8134
E1600094124	7/1/2016 18:07		CODE 5/SURVEILLANCE	UNABLE TO LOCATE	JOHNSTON, WILLIAM #8134
E1600094350	7/2/2016 03:07		ASSAULT	CONTACT MADE, NO PAPERWORK	KUEFER, WESLEY #16905
E1600094825	7/2/2016 23:07		INTENSIVE PATROL (PREVENTATIVE)	CONTACT MADE, NO PAPERWORK	BRILL, JOSHUA #16583
E1600095445	7/4/2016 03:07		P.R. CONTACT	CONTACT MADE, NO PAPERWORK	CLUBB, JONATHAN #16439
E1600095457	7/4/2016 05:07		LOUD MUSIC OR NOISE DISTURBING	CONTACT MADE, NO PAPERWORK	REYNOLDS, BRIAN #13324
E1600095828	7/5/2016 00:07		INTENSIVE PATROL (PREVENTATIVE)	CONTACT MADE, NO PAPERWORK	BRILL, JOSHUA #16583
E1600095855	7/5/2016 01:07		INTENSIVE PATROL (PREVENTATIVE)	CONTACT MADE, NO PAPERWORK	CLUBB, JONATHAN #16439
E1600096180	7/5/2016 15:07	119	THEFT	CONTACT MADE, NO PAPERWORK	ATEN, BRIAN #15250
E1600096227	7/5/2016 17:07	119	UNWANTED GUESTS	CONTACT MADE, NO PAPERWORK	ATEN, BRIAN #15250
E1600096385	7/5/2016 23:07		INTENSIVE PATROL (PREVENTATIVE)	CONTACT MADE, NO PAPERWORK	BRILL, JOSHUA #16583
E1600096663	7/6/2016 13:07		CHECK WELFARE	CONTACT MADE, NO PAPERWORK	DIRKS, SHAWN #13103
E1600096860	7/6/2016 21:07		FIELD CONTACT	FIELD INTERVIEW NRU	SCHNEIDER, MATTHEW #12251
E1600096947	7/7/2016 01:07		MISDEMEANOR WNT OUTSTANDING	FIELD INTERVIEW CARD	COLLINS, SCOTT #15178
E1600097832	7/8/2016 17:07		FIELD CONTACT	FIELD INTERVIEW NRU	DAVIDGE, JOHN #15637
E1600097984	7/8/2016 23:07		SUSPICIOUS VEHICLE	CONTACT MADE, NO PAPERWORK	COLLINS, SCOTT #15178
E1600098023	7/9/2016 01:07		FIELD CONTACT	CONTACT MADE, NO PAPERWORK	ANDERSON, BRYAN #11307
E1600098054	7/9/2016 04:07		SUSPICIOUS VEHICLE	CONTACT MADE, NO PAPERWORK	SINGER, ELAINE #10643
E1600099021	7/11/2016 11:07		SUBJ DISTURBING/HARASSING	UNABLE TO LOCATE	MISNER, GERALD #15179
E1600099084	7/11/2016 14:07		INTENSIVE PATROL (PREVENTATIVE)	CONTACT MADE, NO PAPERWORK	PROCOPIO, JOSEPH #17447
E1600099316	7/11/2016 23:07		STOLEN VEHICLE RECOVERY/FOJ	OFFENSE REPORT	ROWE, TORII #17074

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E1600099696	7/12/2016 16:07	277	DANGEROUS DRUGS	OFFENSE REPORT NRU	TOLBERT, LACEY #13338
E1600099728	7/12/2016 18:07		FELONY WARRANT OUTSTANDING	FIELD INTERVIEW CARD	LEWIS, LEROY #15542
E1600099814	7/12/2016 22:07		FIELD CONTACT	CONTACT MADE, NO PAPERWORK	DAVIDGE, JOHN #15637
E1600099884	7/13/2016 02:07	118	CIVIL ISSUE	CONTACT MADE, NO PAPERWORK	HUNTER, KEITH #16887
E1600100208	7/13/2016 15:07		THEFT	OFFENSE REPORT	DIRKS, SHAWN #13103
E1600100219	7/13/2016 15:07		FRAUD	OFFENSE REPORT	, ATL CALL (FROM CAD) #9000
E1600100330	7/13/2016 19:07		FIELD CONTACT	CONTACT MADE, NO PAPERWORK	SCHNEIDER, MATTHEW #12251
E1600101041	7/15/2016 02:07		FIELD CONTACT	CONTACT MADE, NO PAPERWORK	SINGER, ELAINE #10643
E1600101562	7/16/2016 01:07		FIELD CONTACT	CONTACT MADE, NO PAPERWORK	THOMAS, ROCHELLE #15803
E1600102244	7/17/2016 13:07	118	THEFT	OFFENSE REPORT	MISNER, GERALD #15179
E1600102285	7/17/2016 15:07		911 HANGUP, CHECK WELFARE	CONTACT MADE, NO PAPERWORK	PROCOPIO, JOSEPH #17447
E1600102553	7/18/2016 05:07		CIVIL ISSUE	CONTACT MADE, NO PAPERWORK	CASILLAS, ERNEST #15636
E1600103566	7/20/2016 05:07	275	FAMILY FIGHT/DOMESTIC VIOLENCE	CONTACT MADE, NO PAPERWORK	KING, MARCUS #17000
E1600104279	7/21/2016 11:07		SHOTS FIRED	CONTACT MADE, NO PAPERWORK	HUBBUCH, JAMISON #12524
E1600105615	7/24/2016 13:07		BACK UP, ASSIST	ASSIST FIRE DEPARTMENT	THOMPSON, ASHLEY #16704
E1600105875	7/25/2016 04:07		THEFT OF MEANS OF TRANSPORTATION	OFFENSE REPORT	CLUBB, JONATHAN #16439
E1600106672	7/26/2016 16:07		FELONY WARRANT OUTSTANDING	FIELD INTERVIEW NRU	SCHNEIDER, MATTHEW #12251
E1600106892	7/27/2016 03:07	293	SUBJ DISTURBING/HARASSING	UNABLE TO LOCATE	CLUBB, JONATHAN #16439
E1600106904	7/27/2016 04:07		PODD	CONTACT MADE, NO PAPERWORK	BASTIN, CHRISTOPHER #16581
E1600106946	7/27/2016 07:07		INTENSIVE PATROL (PREVENTATIVE)	CONTACT MADE, NO PAPERWORK	REBHOLZ, JOHN #12374
E1600107893	7/28/2016 21:07		POSSESSION OF DANGEROUS DRUGS	OFFENSE REPORT NRU	SCHNEIDER, MATTHEW #12251
E1600108025	7/29/2016 05:07		THEFT	OFFENSE REPORT	SORENSEN, ERIK #16783
E1600108219	7/29/2016 14:07		POSSESSION OF NARCOTIC DRUGS	OFFENSE REPORT NRU	PITTMAN, JEFFREY #12718

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E1600108471	7/30/2016 00:07		SUSPICIOUS VEHICLE	CONTACT MADE, NO PAPERWORK	SCHNEIDER, MATTHEW #12251
E1600110391	8/2/2016 21:08		POSSESSION OF MARIJUANA	OFFENSE REPORT NRU	SCHNEIDER, MATTHEW #12251
E1600110437	8/2/2016 23:08		SUSPICIOUS PERSON/CIRCUMSTANCE	CONTACT MADE, NO PAPERWORK	KING, MARCUS #17000
E1600110438	8/2/2016 23:08		CHECK WELFARE	UNABLE TO LOCATE	RAMSAY, JUSTIN #15093
E1600112371	8/6/2016 18:08		DV/AGGRAVATED ASSAULT	OFFENSE REPORT	QUEENAN, JOEL #16320
E1600112422	8/6/2016 21:08		FIELD CONTACT	FIELD INTERVIEW CARD	SEIDL, ALLAN #16321
E1600112450	8/6/2016 22:08		FIELD CONTACT	FIELD INTERVIEW CARD	BUSTOZ, JOHN #6896
E1600112575	8/7/2016 02:08		SUSPICIOUS VEHICLE	CONTACT MADE, NO PAPERWORK	FAIR, LANCE #16781
E1600112893	8/7/2016 19:08		SUSPICIOUS VEHICLE	CONTACT MADE, NO PAPERWORK	ATEN, BRIAN #15250
E1600112970	8/7/2016 22:08		FIELD CONTACT	CONTACT MADE, NO PAPERWORK	ZYGMONT, WESLEY #11372
E1600112984	8/7/2016 22:08		FIELD CONTACT	CONTACT MADE, NO PAPERWORK	BROYLES, JOSHUA #16871
E1600113550	8/9/2016 01:08		INTENSIVE PATROL (PREVENTATIVE)	CONTACT MADE, NO PAPERWORK	PEREZ, DANIEL #16909
E1600114227	8/10/2016 06:08		SUBJ DISTURBING/HARASSING	CONTACT MADE, NO PAPERWORK	BUCHBERGER, JUSTIN #13200
E1600114354	8/10/2016 14:08		TRAFFIC STOP	FIELD INTERVIEW NRU	LINDSEY, MARK #15543
E1600115083	8/11/2016 22:08		FIELD CONTACT	FIELD INTERVIEW CARD	COLLINS, SCOTT #15178
E1600115504	8/12/2016 19:08	279	MISDEMEANOR WNT OUTSTANDING	FIELD INTERVIEW NRU	SCHNEIDER, MATTHEW #12251
E1600116566	8/15/2016 03:08		RECOVERY OF VEHICLE	CONTACT MADE, NO PAPERWORK	FAIR, LANCE #16781
E1600116588	8/15/2016 05:08		RECOVERY OF VEHICLE	OFFENSE REPORT	MCLEOD, BRET #11368
E1600117898	8/17/2016 15:08	125	POSSESSION OF DANGEROUS DRUGS	OFFENSE REPORT NRU	SCHNEIDER, MATTHEW #12251
E1600117918	8/17/2016 15:08		CHECK WELFARE	CONTACT MADE, NO PAPERWORK	STANFIELD, BRIAN #10239
E1600118154	8/18/2016 01:08		CIVIL ISSUE	CONTACT MADE, NO PAPERWORK	CARROLL, JOSHUA #16003
E1600118180	8/18/2016 03:08		FELONY WARRANT OUTSTANDING	FIELD INTERVIEW CARD	CARROLL, JOSHUA #16003
E1600118218	8/18/2016 07:08		THEFT OF VEHICLE	CONTACT MADE, NO PAPERWORK	BUCHBERGER, JUSTIN #13200

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E1600118348	8/18/2016 11:08		SOLICITING	OFFENSE REPORT	COKING, JAMES #6897
E1600118492	8/18/2016 16:08		SUSPICIOUS PERSON/CIRCUMSTANCE	CONTACT MADE, NO PAPERWORK	SCHNEIDER, MATTHEW #12251
E1600118949	8/19/2016 14:08		SUSPICIOUS PERSON/CIRCUMSTANCE	CONTACT MADE, NO PAPERWORK	PITTMAN, JEFFREY #12718
E1600118953	8/19/2016 14:08		FIELD CONTACT	CONTACT MADE, NO PAPERWORK	PITTMAN, JEFFREY #12718
E1600119351	8/20/2016 09:08		INTENSIVE PATROL (PREVENTATIVE)	CONTACT MADE, NO PAPERWORK	REBHOLZ, JOHN #12374
E1600120086	8/21/2016 23:08		INTENSIVE PATROL (PREVENTATIVE)	CONTACT MADE, NO PAPERWORK	FAIR, LANCE #16781
E1600120136	8/22/2016 03:08		TRAFFIC STOP	CONTACT MADE, NO PAPERWORK	CLONTZ, DANNY #16886
E1600121146	8/23/2016 21:08		SUSPICIOUS VEHICLE	FIELD INTERVIEW CARD	ATEN, BRIAN #15250
E1600122392	8/26/2016 03:08		INTENSIVE PATROL (PREVENTATIVE)	CONTACT MADE, NO PAPERWORK	COLLINS, SCOTT #15178
E1600122765	8/26/2016 20:08		FIELD CONTACT	GANG ACTIVITY NO OFFENSE REPORT	JOHNSTON, WILLIAM #8134
E1600123051	8/27/2016 10:08		INTENSIVE PATROL (PREVENTATIVE)	CONTACT MADE, NO PAPERWORK	REBHOLZ, JOHN #12374
E1600123877	8/29/2016 00:08		INVESTIGATE UNKNOWN TROUBLE	FIELD INTERVIEW CARD	FELDER, SYLVIA #17297
E1600123904	8/29/2016 02:08		RECOVERY OF VEHICLE	CONTACT MADE, NO PAPERWORK	FAIR, LANCE #16781
E1600125061	8/31/2016 01:08		FIELD CONTACT	CONTACT MADE, NO PAPERWORK	GALLAGHER, BRIAN #14243
E1600126159	9/1/2016 20:09		MISDEMEANOR WNT OUTSTANDING	CONTACT MADE, NO PAPERWORK	SCHNEIDER, MATTHEW #12251
E1600126328	9/2/2016 04:09		THEFT	OFFENSE REPORT	CARROLL, JOSHUA #16003
E1600126783	9/2/2016 22:09		FIELD CONTACT	CONTACT MADE, NO PAPERWORK	COLLINS, SCOTT #15178
E1600127044	9/3/2016 14:09		FIELD CONTACT	COMPL/ALARM COMPANY CALLED TO CANCEL	QUEENAN, JOEL #16320
E1600127093	9/3/2016 17:09		FIELD CONTACT	CONTACT MADE, NO PAPERWORK	SPIWAK, ADAM #15729
E1600127333	9/4/2016 02:09	290	TRESPASSING	CONTACT MADE, NO PAPERWORK	CARROLL, JOSHUA #16003
E1600127505	9/4/2016 14:09		CIVIL ISSUE	UNABLE TO LOCATE	FIKEJS, STEPHANIE #16890
E1600128147	9/6/2016 00:09	281	TRESPASSING	CONTACT MADE, NO PAPERWORK	HAJEK, JAMES #15007
E1600128319	9/6/2016 09:09		CHECK WELFARE	FIELD INTERVIEW CARD	CANO, ANTHONY #12534

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E1600128376	9/6/2016 11:09		UNWANTED GUESTS	CONTACT MADE, NO PAPERWORK	CANO, ANTHONY #12534
E1600129100	9/7/2016 20:09		DANGEROUS DRUGS	OFFENSE REPORT NRU	LEWIS, LEROY #15542
E1600129195	9/8/2016 00:09		FIELD CONTACT	CONTACT MADE, NO PAPERWORK	ANDERSON, BRYAN #11307
E1600129232	9/8/2016 01:09		FOUND NARCOTICS	CONTACT MADE, NO PAPERWORK	CARROLL, JOSHUA #16003
E1600129385	9/8/2016 09:09		TRESPASSING	FIELD INTERVIEW CARD	SANDERS, KARINA #17432
E1600129586	9/8/2016 15:09		FIELD CONTACT	NO ACTION	QUEENAN, JOEL #16320
E1600129790	9/8/2016 23:09		SUBJ DISTURBING/HARASSING	FIELD INTERVIEW CARD	COLLINS, SCOTT #15178
E1600130231	9/9/2016 19:09		POSSESSION OF DANGEROUS DRUGS	OFFENSE REPORT NRU	SCHNEIDER, MATTHEW #12251
E1600130636	9/10/2016 16:09		THEFT OF VEHICLE	CONTACT MADE, NO PAPERWORK	SMITH, ALISSANDRA #16910
E1600130861	9/11/2016 02:09		TRESPASSING	CONTACT MADE, NO PAPERWORK	ANSELL, DYLAN #17089
E1600131105	9/11/2016 16:09		TRESPASSING	CONTACT MADE, NO PAPERWORK	ALLOWAY, JEFFREY #15779
E1600131309	9/12/2016 01:09		SUSPICIOUS VEHICLE	CONTACT MADE, NO PAPERWORK	FELDER, SYLVIA #17297
E1600131337	9/12/2016 04:09		THEFT OF VEHICLE	CONTACT MADE, NO PAPERWORK	ROWE, TORII #17074
E1600132246	9/13/2016 17:09		THREATENING	OFFENSE REPORT	SMITH, ALISSANDRA #16910
E1600132424	9/14/2016 02:09		THEFT OF VEHICLE	CONTACT MADE, NO PAPERWORK	CLUBB, JONATHAN #16439
E1600132429	9/14/2016 03:09		INJURED OR SICK PERSON	ASSIST FIRE DEPARTMENT	BASTIN, CHRISTOPHER #16581
E1600132777	9/14/2016 14:09		FIELD CONTACT	CONTACT MADE, NO PAPERWORK	ATEN, BRIAN #15250
E1600133417	9/15/2016 16:09	287	FIELD CONTACT	FIELD INTERVIEW NRU	SCHNEIDER, MATTHEW #12251
E1600133521	9/15/2016 19:09		FIELD CONTACT	CONTACT MADE, NO PAPERWORK	LA BRANT, DONALD #8917
E1600133597	9/15/2016 22:09	125	SUSPICIOUS PERSON/CIRCUMSTANCE	CONTACT MADE, NO PAPERWORK	RAMSAY, JUSTIN #15093
E1600133875	9/16/2016 13:09		UNWANTED GUESTS	CONTACT MADE, NO PAPERWORK	SPIWAK, ADAM #15729
E1600134127	9/16/2016 23:09		TRESPASSING	FIELD INTERVIEW CARD	CLONTZ, DANNY #16886
E1600134680	9/18/2016 02:09		BURGLARY VEHICLE	CONTACT MADE, NO PAPERWORK	ANSELL, DYLAN #17089

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E1600134907	9/18/2016 16:09		CHECK WELFARE	CONTACT MADE, NO PAPERWORK	STANFIELD, BRIAN #10239
E1600135254	9/19/2016 09:09		INTENSIVE PATROL (PREVENTATIVE)	CONTACT MADE, NO PAPERWORK	ZYGMONT, WESLEY #11372
E1600135300	9/19/2016 10:09		LOOSE ANIMALS	UNABLE TO LOCATE	HANEY, ANTHONY #9971
E1600135811	9/20/2016 10:09		STOLEN VEHICLE RECOVERY	OFFENSE REPORT	MCLEOD, BRET #11368
E1600136074	9/20/2016 20:09		MISCONDUCT INVOLVING WEAPON	CONTACT MADE, NO PAPERWORK	LEWIS, LEROY #15542
E1600136099	9/20/2016 21:09		SUSPICIOUS PERSON/CIRCUMSTANCE	CONTACT MADE, NO PAPERWORK	SCHNEIDER, MATTHEW #12251
E1600136664	9/21/2016 19:09		INTENSIVE PATROL (PREVENTATIVE)	CONTACT MADE, NO PAPERWORK	QUEENAN, JOEL #16320
E1600136749	9/21/2016 22:09		FIELD CONTACT	CONTACT MADE, NO PAPERWORK	ATEN, BRIAN #15250
E1600137446	9/23/2016 00:09		TRAFFIC STOP	CONTACT MADE, NO PAPERWORK	CARROLL, JOSHUA #16003
E1600137476	9/23/2016 01:09		FIELD CONTACT	CONTACT MADE, NO PAPERWORK	COLLINS, SCOTT #15178
E1600137484	9/23/2016 01:09		SUBJ DISTURBING/HARASSING	CONTACT MADE, NO PAPERWORK	YATES, AADAM #13508
E1600137487	9/23/2016 02:09		SUSPICIOUS PERSON/CIRCUMSTANCE	FIELD INTERVIEW CARD	COLLINS, SCOTT #15178
E1600137865	9/23/2016 18:09		FIELD CONTACT	CONTACT MADE, NO PAPERWORK	QUEENAN, JOEL #16320
E1600137905	9/23/2016 19:09	272	INVESTIGATE UNKNOWN TROUBLE	CONTACT MADE, NO PAPERWORK	QUEENAN, JOEL #16320
E1600138053	9/24/2016 02:09		FIELD CONTACT	CONTACT MADE, NO PAPERWORK	COLLINS, SCOTT #15178
E1600138336	9/24/2016 18:09		SUBJ DISTURBING/HARASSING	CONTACT MADE, NO PAPERWORK	ELKHANNOUSSI, BADR #16856
E1600138813	9/25/2016 20:09		INTENSIVE PATROL (PREVENTATIVE)	CONTACT MADE, NO PAPERWORK	FIKEJS, STEPHANIE #16890
E1600140335	9/28/2016 14:09		SUSPICIOUS PERSON/CIRCUMSTANCE	CONTACT MADE, NO PAPERWORK	QUEENAN, JOEL #16320
E1600140451	9/28/2016 19:09		FIELD CONTACT	CONTACT MADE, NO PAPERWORK	SCHNEIDER, MATTHEW #12251
E1600140907	9/29/2016 14:09		FIELD CONTACT	CONTACT MADE, NO PAPERWORK	QUEENAN, JOEL #16320
E1600141009	9/29/2016 18:09		INTENSIVE PATROL (PREVENTATIVE)	CONTACT MADE, NO PAPERWORK	LINDSEY, MARK #15543
E1600141023	9/29/2016 19:09		POSSESSION OF DANGEROUS DRUGS	OFFENSE REPORT NRU	SCHNEIDER, MATTHEW #12251
E1600141059	9/29/2016 21:09		FIELD CONTACT	ASSIST OTHER AGENCY	QUEENAN, JOEL #16320

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E1600141103	9/29/2016 23:09	288	INSANE PERSON	FIELD INTERVIEW CARD	COLLINS, SCOTT #15178
E1600141170	9/30/2016 03:09	288	INSANE PERSON	CONTACT MADE, NO PAPERWORK	COLLINS, SCOTT #15178
E1600141462	9/30/2016 17:09	275	DV/UNLAWFUL IMPRISONMENT	OFFENSE REPORT	QUEENAN, JOEL #16320
E1600141759	10/1/2016 08:10		SUSPICIOUS PERSON/CIRCUMSTANCE	CONTACT MADE, NO PAPERWORK	REBHOLZ, JOHN #12374
E1600142187	10/2/2016 06:10		TRESPASSING	FIELD INTERVIEW CARD	HUBBUCH, JAMISON #12524
E1600142208	10/2/2016 08:10		INTENSIVE PATROL (PREVENTATIVE)	CONTACT MADE, NO PAPERWORK	ZYGMONT, WESLEY #11372
E1600142228	10/2/2016 09:10		INTENSIVE PATROL (PREVENTATIVE)	CONTACT MADE, NO PAPERWORK	ZYGMONT, WESLEY #11372
E1600142445	10/2/2016 18:10		TRESPASSING	CONTACT MADE, NO PAPERWORK	STANFIELD, BRIAN #10239
E1600143046	10/4/2016 01:10		CHECK WELFARE	FIELD INTERVIEW CARD	FELDER, SYLVIA #17297
E1600143331	10/4/2016 13:10		THEFT FROM VEHICLE	CONTACT MADE, NO PAPERWORK	FIKEJS, STEPHANIE #16890
E1600144855	10/7/2016 08:10		INTENSIVE PATROL (PREVENTATIVE)	CONTACT MADE, NO PAPERWORK	REBHOLZ, JOHN #12374
E1600145038	10/7/2016 15:10		FIELD CONTACT	FIELD INTERVIEW NRU	LEWIS, LEROY #15542
E1600145354	10/8/2016 08:10		INTENSIVE PATROL (PREVENTATIVE)	CONTACT MADE, NO PAPERWORK	REBHOLZ, JOHN #12374
E1600145488	10/8/2016 16:10		STOLEN VEHICLE RECOVERY/FOJ	OFFENSE REPORT	SEIDL, ALLAN #16321
E1600145812	10/9/2016 04:10		FAMILY FIGHT/DOMESTIC VIOLENCE	CONTACT MADE, NO PAPERWORK	FELDER, SYLVIA #17297
E1600145886	10/9/2016 09:10	268	FAMILY FIGHT/DOMESTIC VIOLENCE	CONTACT MADE, NO PAPERWORK	SCHMUCK, ROBERT #11194
E1600146007	10/9/2016 15:10		INTENSIVE PATROL (PREVENTATIVE)	CONTACT MADE, NO PAPERWORK	ATEN, BRIAN #15250
E1600146656	10/11/2016 01:10		FIELD CONTACT	NO ACTION	GALLAGHER, BRIAN #14243
E1600146954	10/11/2016 14:10		INTENSIVE PATROL (PREVENTATIVE)	CONTACT MADE, NO PAPERWORK	STANFIELD, BRIAN #10239
E1600147018	10/11/2016 16:10	290	FIELD CONTACT	CONTACT MADE, NO PAPERWORK	GOITIA, DAVID #11807
E1600147200	10/12/2016 00:10		SUSPICIOUS PERSON/CIRCUMSTANCE	CONTACT MADE, NO PAPERWORK	ANDERSON, BRYAN #11307
E1600148091	10/13/2016 15:10		FIELD CONTACT	CONTACT MADE, NO PAPERWORK	LINDSEY, MARK #15543
E1600148340	10/14/2016 02:10		SUSPICIOUS PERSON/CIRCUMSTANCE	CONTACT MADE, NO PAPERWORK	COLLINS, SCOTT #15178

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E1600148344	10/14/2016 02:10		POSS OF NARCOTICS	OFFENSE REPORT	COLLINS, SCOTT #15178
E1600148922	10/15/2016 08:10		INTENSIVE PATROL (PREVENTATIVE)	CONTACT MADE, NO PAPERWORK	ZYGMONT, WESLEY #11372
E1600149100	10/15/2016 18:10	141	HIT AND RUN, NON-INJURY	CONTACT MADE, NO PAPERWORK	JOHNSON, ANDREW #17518
E1600149701	10/17/2016 01:10		SUBJ DISTURBING/HARASSING	CONTACT MADE, NO PAPERWORK	PLAISTED, ROBERT #17193
E1600149735	10/17/2016 04:10		TRESPASSING	UNABLE TO LOCATE	FELDER, SYLVIA #17297
E1600149885	10/17/2016 12:10		FOUND MISSING PERSON	CONTACT MADE, NO PAPERWORK	JOHNSON, PHILLIP #12682
E1600149916	10/17/2016 13:10		NARCOTICS	OFFENSE REPORT	CANO, ANTHONY #12534
E1600150663	10/18/2016 20:10		POSSESSION OF DANGEROUS DRUGS	OFFENSE REPORT NRU	SCHNEIDER, MATTHEW #12251
E1600150677	10/18/2016 21:10		SUSPICIOUS VEHICLE	CONTACT MADE, NO PAPERWORK	TOLBERT, LACEY #13338
E1600151176	10/19/2016 16:10		TRESPASSING	FIELD INTERVIEW NRU	SCHNEIDER, MATTHEW #12251
E1600151438	10/20/2016 07:10		DV/ASSAULT	OFFENSE REPORT	REYNOLDS, BRIAN #13324
E1600152003	10/21/2016 11:10		FAMILY FIGHT/DOMESTIC VIOLENCE	CONTACT MADE, NO PAPERWORK	DOWNEY, WILLIAM #6824
E1600152171	10/21/2016 17:10		P.R. CONTACT	CONTACT MADE, NO PAPERWORK	MABRY, MITCHELL #16908
E1600152254	10/21/2016 20:10		SUSPICIOUS PERSON/CIRCUMSTANCE	CONTACT MADE, NO PAPERWORK	LA BRANT, DONALD #8917
E1600152398	10/22/2016 02:10		FIELD CONTACT	CONTACT MADE, NO PAPERWORK	ANDERSON, BRYAN #11307
E1600153539	10/24/2016 14:10		RECOVERY OF VEHICLE	OFFENSE REPORT	ZYGMONT, WESLEY #11372
E1600153573	10/24/2016 15:10		ATTEMPT TO CONTACT	NO ACTION	, ATL CALL (FROM CAD) #9000
E1600153798	10/25/2016 02:10		SUSPICIOUS PERSON/CIRCUMSTANCE	CONTACT MADE, NO PAPERWORK	LECHUGA, LAURA #17436
E1600154193	10/25/2016 19:10		TRESPASSING	OFFENSE REPORT	ATEN, BRIAN #15250
E1600154774	10/26/2016 20:10		INTENSIVE PATROL (PREVENTATIVE)	CONTACT MADE, NO PAPERWORK	ALLOWAY, JEFFREY #15779
E1600154869	10/27/2016 02:10		FIELD CONTACT	CONTACT MADE, NO PAPERWORK	ANDERSON, BRYAN #11307
E1600156135	10/29/2016 15:10		SUBJ DISTURBING/HARASSING	CONTACT MADE, NO PAPERWORK	SPIWAK, ADAM #15729
E1600156197	10/29/2016 18:10		FIELD CONTACT	CONTACT MADE, NO PAPERWORK	QUEENAN, JOEL #16320
E1600156374	10/30/2016 01:10	279	FALSE INFO	OFFENSE REPORT	COLLINS, SCOTT #15178

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E1600156503	10/30/2016 10:10		INTENSIVE PATROL (PREVENTATIVE)	CONTACT MADE, NO PAPERWORK	ZYGMONT, WESLEY #11372
E1600156594	10/30/2016 15:10		TRAFFIC STOP	NO ACTION	ZYGMONT, WESLEY #11372
E1600156690	10/30/2016 19:10		POSSESSION OF DANGEROUS DRUGS	CONTACT MADE, NO PAPERWORK	STERRETT, ROBERT #12245
E1600157129	10/31/2016 20:10		CHECK WELFARE	CONTACT MADE, NO PAPERWORK	DOERR, GLENN #15123
E1600157308	11/1/2016 07:11	124	POSSESSION OF DANGEROUS DRUGS	OFFENSE REPORT	CONNER, TIMOTHY #12880
E1600157533	11/1/2016 12:11		SUBJ DISTURBING/HARASSING	CONTACT MADE, NO PAPERWORK	TOLBERT, LACEY #13338
E1600157600	11/1/2016 14:11		FIELD CONTACT	FIELD INTERVIEW NRU	LINDSEY, MARK #15543
E1600157639	11/1/2016 16:11		INVESTIGATE UNKNOWN TROUBLE	COMPL/ALARM COMPANY CALLED TO CANCEL	KOEHLER, GLENN #14881
E1600158017	11/2/2016 09:11		INTENSIVE PATROL (PREVENTATIVE)	CONTACT MADE, NO PAPERWORK	REBHOLZ, JOHN #12374
E1600158418	11/3/2016 00:11		SUSPICIOUS PERSON/CIRCUMSTANCE	UNABLE TO LOCATE	ANSELL, DYLAN #17089
E1600158649	11/3/2016 11:11	124	DV/STRANGULATION	OFFENSE REPORT	REBHOLZ, JOHN #12374
E1600159445	11/4/2016 23:11		FIELD CONTACT	CONTACT MADE, NO PAPERWORK	HALLIER, ERIC #17503
E1600159897	11/5/2016 23:11		SUSPICIOUS VEHICLE	CONTACT MADE, NO PAPERWORK	COLLINS, SCOTT #15178
E1600159953	11/6/2016 03:11		NARCOTICS	CONTACT MADE, NO PAPERWORK	CARROLL, JOSHUA #16003
E1600159997	11/6/2016 07:11		FIELD CONTACT	FIELD INTERVIEW CARD	JOHNSON, PHILLIP #12682
E1600160299	11/7/2016 01:11	122	STOLEN VEHICLE	OFFENSE REPORT	FELDER, SYLVIA #17297
E1600160340	11/7/2016 05:11		RECOVERY OF VEHICLE	SUPPLEMENTAL REPORT	FELDER, SYLVIA #17297
E1600160646	11/7/2016 20:11		SUSPICIOUS PERSON/CIRCUMSTANCE	CONTACT MADE, NO PAPERWORK	ITRI, GENNARO #16920
E1600161385	11/9/2016 08:11		FIELD CONTACT	CONTACT MADE, NO PAPERWORK	JOHNSON, PHILLIP #12682
E1600161703	11/9/2016 22:11		FIELD CONTACT	CONTACT MADE, NO PAPERWORK	LEWIS, LEROY #15542
E1600161939	11/10/2016 10:11		SUSPICIOUS PERSON/CIRCUMSTANCE	FIELD INTERVIEW CARD	REBHOLZ, JOHN #12374
E1600162194	11/10/2016 19:11		POSSESSION OF DRUG PARAPHERNALIA	OFFENSE REPORT NRU	SCHNEIDER, MATTHEW #12251
E1600162647	11/11/2016 20:11		SUBJ DISTURBING/HARASSING	CONTACT MADE, NO PAPERWORK	LEWIS, LEROY #15542

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E1600163236	11/13/2016 02:11		TRESPASSING	CONTACT MADE, NO PAPERWORK	HORNBAKER, KYLE #17072
E1600164354	11/15/2016 12:11		SUSPICIOUS VEHICLE	CONTACT MADE, NO PAPERWORK	JOHNSON, PHILLIP #12682
E1600164802	11/16/2016 10:11		FIELD CONTACT	CONTACT MADE, NO PAPERWORK	SCHNEIDER, MATTHEW #12251
E1600164831	11/16/2016 11:11		FIELD CONTACT	CONTACT MADE, NO PAPERWORK	SCHNEIDER, MATTHEW #12251
E1600165171	11/17/2016 01:11		SUBJ DISTURBING/HARASSING	CONTACT MADE, NO PAPERWORK	CARROLL, JOSHUA #16003
E1600166305	11/19/2016 12:11		INTENSIVE PATROL (PREVENTATIVE)	CONTACT MADE, NO PAPERWORK	ZYGMONT, WESLEY #11372
E1600166750	11/20/2016 10:11		INTENSIVE PATROL (PREVENTATIVE)	CONTACT MADE, NO PAPERWORK	ZYGMONT, WESLEY #11372
E1600167016	11/21/2016 00:11	283	911 HANGUP, CHECK WELFARE	CONTACT MADE, NO PAPERWORK	CLONTZ, DANNY #16886
E1600168130	11/23/2016 05:11		TRESPASSING	COMPL/ALARM COMPANY CALLED TO CANCEL	SOLOMON, ROBERT #11760
E1600168666	11/24/2016 01:11		FIELD CONTACT	FIELD INTERVIEW CARD	BASTIN, CHRISTOPHER #16581
E1600170361	11/27/2016 19:11		POWER POLE DOWN	CONTACT MADE, NO PAPERWORK	STANFIELD, BRIAN #10239
E1600170660	11/28/2016 13:11		FIELD CONTACT	CONTACT MADE, NO PAPERWORK	KULAGA, DAVID #11193
E1600171162	11/29/2016 13:11		THEFT	UNABLE TO LOCATE	JOHNSON, PHILLIP #12682
E1600171335	11/29/2016 19:11		BURGLARY FROM VEHICLE	OFFENSE REPORT	SMITH, ALISSANDRA #16910
E1600171627	11/30/2016 11:11		SUSPICIOUS PERSON/CIRCUMSTANCE	CONTACT MADE, NO PAPERWORK	CONNER, TIMOTHY #12880
E1600172854	12/2/2016 22:12		FIELD CONTACT	CONTACT MADE, NO PAPERWORK	COLLINS, SCOTT #15178
E1600173628	12/4/2016 15:12	137	FAMILY FIGHT/DOMESTIC VIOLENCE	CONTACT MADE, NO PAPERWORK	STANFIELD, BRIAN #10239
E1600174624	12/6/2016 16:12		FIELD CONTACT	CONTACT MADE, NO PAPERWORK	ATEN, BRIAN #15250
E1600174879	12/7/2016 03:12		TRAFFIC STOP	OFFENSE REPORT	GALLAGHER, BRIAN #14243
E1600175067	12/7/2016 14:12		INTENSIVE PATROL (PREVENTATIVE)	CONTACT MADE, NO PAPERWORK	STANFIELD, BRIAN #10239
E1600175339	12/8/2016 02:12		INTENSIVE PATROL (PREVENTATIVE)	CONTACT MADE, NO PAPERWORK	ZYGMONT, WESLEY #11372
E1600175780	12/8/2016 21:12		INTENSIVE PATROL (PREVENTATIVE)	CONTACT MADE, NO PAPERWORK	ZYGMONT, WESLEY #11372

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E1600175889	12/9/2016 02:12		SUSPICIOUS VEHICLE	CONTACT MADE, NO PAPERWORK	ANDERSON, BRYAN #11307
E1600176093	12/9/2016 13:12		INJURED OR SICK PERSON	ASSIST FIRE DEPARTMENT	SCHMUCK, ROBERT #11194
E1600176177	12/9/2016 16:12		FIELD CONTACT	CONTACT MADE, NO PAPERWORK	LINDSEY, MARK #15543
E1600176359	12/10/2016 00:12		INTENSIVE PATROL (PREVENTATIVE)	CONTACT MADE, NO PAPERWORK	ZYGMONT, WESLEY #11372
E1600176451	12/10/2016 07:12	120	CHECK WELFARE	CONTACT MADE, NO PAPERWORK	GLADDEN, JASON #12532
E1600177526	12/12/2016 15:12		INTENSIVE PATROL (PREVENTATIVE)	CONTACT MADE, NO PAPERWORK	ATEN, BRIAN #15250
E1600178000	12/13/2016 15:12		INTENSIVE PATROL (PREVENTATIVE)	CONTACT MADE, NO PAPERWORK	ATEN, BRIAN #15250
E1600178206	12/13/2016 23:12		MISDEMEANOR WNT OUTSTANDING	CONTACT MADE, NO PAPERWORK	ANDERSON, BRYAN #11307
E1600178271	12/14/2016 03:12		TRESPASSING	FIELD INTERVIEW CARD	BUTCHER, BRITTANY #17191
E1600178709	12/14/2016 23:12		SUBJ DISTURBING/HARASSING	CONTACT MADE, NO PAPERWORK	CLUBB, JONATHAN #16439
E1600178722	12/14/2016 23:12		INTENSIVE PATROL (PREVENTATIVE)	CONTACT MADE, NO PAPERWORK	ZYGMONT, WESLEY #11372
E1600178909	12/15/2016 09:12		FRAUDULENT USE OF CREDIT CARD	OFFENSE REPORT	KLINE, JASON #17523
E1600179344	12/16/2016 07:12	259	CHECK WELFARE	CONTACT MADE, NO PAPERWORK	ORTEGA, RUBEN #11261
E1600179796	12/16/2016 23:12		MISDEMEANOR WNT OUTSTANDING	FIELD INTERVIEW CARD	CARROLL, JOSHUA #16003
E1600180334	12/18/2016 03:12		TRESPASSING	OFFENSE REPORT	FELDER, SYLVIA #17297
E1600180380	12/18/2016 07:12		THEFT	CONTACT MADE, NO PAPERWORK	CONNER, TIMOTHY #12880
E1600180513	12/18/2016 15:12		INTENSIVE PATROL (PREVENTATIVE)	CONTACT MADE, NO PAPERWORK	ATEN, BRIAN #15250
E1600180746	12/19/2016 02:12		SUSPICIOUS VEHICLE	FIELD INTERVIEW CARD	GALLAGHER, BRIAN #14243
E1600180931	12/19/2016 11:12		P.R. CONTACT	CONTACT MADE, NO PAPERWORK	JOHNSON, PHILLIP #12682
E1600181073	12/19/2016 16:12	288	OVERDOSE VICTIM	CONTACT MADE, NO PAPERWORK	FIKEJS, STEPHANIE #16890
E1600181495	12/20/2016 13:12	280	INSANE PERSON	CONTACT MADE, NO PAPERWORK	ALLOWAY, JEFFREY #15779
E1600181561	12/20/2016 16:12	136	OVERDOSE VICTIM	ASSIST FIRE DEPARTMENT	ATEN, BRIAN #15250
E1600181801	12/21/2016 03:12		CHECK WELFARE	CONTACT MADE, NO PAPERWORK	FELDER, SYLVIA #17297

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E1600181943	12/21/2016 10:12		INSANE PERSON	CONTACT MADE, NO PAPERWORK	KLINE, JASON #17523
E1600182255	12/21/2016 21:12	110	INJURED OR SICK PERSON	FIELD INTERVIEW CARD	DULANEY, MARCEL #16440
E1600182322	12/22/2016 00:12		SUSPICIOUS PERSON/CIRCUMSTANCE	CONTACT MADE, NO PAPERWORK	COOPER, JARED #9769
E1600182746	12/22/2016 21:12		POSSESSION OF DRUG PARAPHERNALIA	CONTACT MADE, NO PAPERWORK	LA BRANT, DONALD #8917
E1600182837	12/23/2016 01:12		INTENSIVE PATROL (PREVENTATIVE)	CONTACT MADE, NO PAPERWORK	ZYGMONT, WESLEY #11372
E1600182849	12/23/2016 02:12	263	THEFT	FIELD INTERVIEW CARD	COLLINS, SCOTT #15178
E1600182996	12/23/2016 12:12		SUBJ DISTURBING/HARASSING	CONTACT MADE, NO PAPERWORK	GLADDEN, JASON #12532
E1600183151	12/23/2016 18:12		THREAT	CONTACT MADE, NO PAPERWORK	QUEENAN, JOEL #16320
E1600183331	12/24/2016 01:12		FIELD CONTACT	CONTACT MADE, NO PAPERWORK	COLLINS, SCOTT #15178
E1600183496	12/24/2016 13:12		CRIMINAL DAMAGE	OFFENSE REPORT	SAYLOR, JAMES #16782
E1600183503	12/24/2016 13:12		STOLEN VEHICLE	OFFENSE REPORT	SPIWAK, ADAM #15729
E1600183530	12/24/2016 15:12	274	DRUGS	OFFENSE REPORT	SAYLOR, JAMES #16782
E1600183616	12/24/2016 20:12		ARMED ROBBERY	OFFENSE REPORT	SALYERS, MATTHEW #17073
E1600183876	12/25/2016 12:12		P.R. CONTACT	CONTACT MADE, NO PAPERWORK	JOHNSON, PHILLIP #12682
E1600184072	12/26/2016 00:12		FIELD CONTACT	CONTACT MADE, NO PAPERWORK	GALLAGHER, BRIAN #14243
E1600184478	12/26/2016 23:12		SUSPICIOUS VEHICLE	FIELD INTERVIEW CARD	ROBERTSON, PAUL #14759
E1600185953	12/29/2016 16:12		THEFT	OFFENSE REPORT	, ATL CALL (FROM CAD) #9000
E1600186438	12/30/2016 15:12		NARCOTICS	FIELD INTERVIEW NRU	LINDSEY, MARK #15543
E1600186805	12/31/2016 09:12	272	REFUSING TO PROVIDE TRUE NAME	OFFENSE REPORT	KLINE, JASON #17523
E1700000142	1/1/2017 03:01	130	DV/AGGRAVATED ASSAULT	OFFENSE REPORT	BROYLES, JOSHUA #16871
E1700000567	1/2/2017 06:01		INJURED ANIMALS	CONTACT MADE, NO PAPERWORK	JOHNSON, PHILLIP #12682
E1700000779	1/2/2017 15:01		INTENSIVE PATROL (PREVENTATIVE)	CONTACT MADE, NO PAPERWORK	ATEN, BRIAN #15250
E1700001613	1/4/2017 11:01		SOLICITING/PROSTITUTION	OFFENSE REPORT	COKING, JAMES #6897

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E1700001634	1/4/2017 11:01		SOLICITING PROSTITUTION	OFFENSE REPORT	COKING, JAMES #6897
E1700001687	1/4/2017 13:01		SOLICITING/PROSTITUTION	OFFENSE REPORT	COKING, JAMES #6897
E1700001709	1/4/2017 14:01		SOLICITING/PROSTITUTION	OFFENSE REPORT	COKING, JAMES #6897
E1700001872	1/4/2017 20:01		MISCONDUCT INVOLVING WEAPONS	OFFENSE REPORT	QUEENAN, JOEL #16320
E1700001896	1/4/2017 21:01		FIELD CONTACT	CONTACT MADE, NO PAPERWORK	CAMPBELL, RANDALL #15587
E1700002263	1/5/2017 13:01		SUBJ DISTURBING/HARASSING	CONTACT MADE, NO PAPERWORK	SOLOMON, ROBERT #11760
E1700002923	1/6/2017 20:01	134	FAMILY FIGHT/DOMESTIC VIOLENCE	CONTACT MADE, NO PAPERWORK	THOMPSON, ASHLEY #16704
E1700003279	1/7/2017 18:01		RPT OF MARIJUANA	UNABLE TO LOCATE	QUEENAN, JOEL #16320
E1700003399	1/8/2017 00:01		FIELD CONTACT	CONTACT MADE, NO PAPERWORK	COLLINS, SCOTT #15178
E1700004370	1/10/2017 07:01		SUBJ DISTURBING/HARASSING	CONTACT MADE, NO PAPERWORK	CONNER, TIMOTHY #12880
E1700004791	1/11/2017 00:01		SUSPICIOUS PERSON/CIRCUMSTANCE	CONTACT MADE, NO PAPERWORK	CLUBB, JONATHAN #16439
E1700006815	1/14/2017 23:01		INTENSIVE PATROL (PREVENTATIVE)	CONTACT MADE, NO PAPERWORK	FELDER, SYLVIA #17297
E1700006875	1/15/2017 02:01	275	FAMILY FIGHT/DOMESTIC VIOLENCE	CONTACT MADE, NO PAPERWORK	BROYLES, JOSHUA #16871
E1700007230	1/15/2017 22:01		SUBJ DISTURBING/HARASSING	CONTACT MADE, NO PAPERWORK	FELDER, SYLVIA #17297
E1700007648	1/16/2017 20:01		SUBJ DISTURBING/HARASSING	CONTACT MADE, NO PAPERWORK	ATEN, BRIAN #15250
E1700007709	1/17/2017 00:01	118	STRONG ARMED ROBBERY	UNABLE TO LOCATE	FAIR, LANCE #16781
E1700008226	1/18/2017 03:01		SUSPICIOUS PERSON/CIRCUMSTANCE	CONTACT MADE, NO PAPERWORK	FELDER, SYLVIA #17297
E1700008664	1/18/2017 18:01		INTENSIVE PATROL (PREVENTATIVE)	CONTACT MADE, NO PAPERWORK	STANFIELD, BRIAN #10239
E1700008683	1/18/2017 18:01		FAMILY FIGHT/DOMESTIC VIOLENCE	CONTACT MADE, NO PAPERWORK	LARSEN, KRISTOPHER #16907
E1700008774	1/18/2017 22:01		INTENSIVE PATROL (PREVENTATIVE)	CONTACT MADE, NO PAPERWORK	ZYGMONT, WESLEY #11372
E1700008796	1/18/2017 23:01	132	SEXUAL ASSAULT	OFFENSE REPORT	COLLINS, SCOTT #15178
E1700008855	1/19/2017 04:01		FAMILY FIGHT/DOMESTIC VIOLENCE	CONTACT MADE, NO PAPERWORK	CASTIGLIONE, AUSTIN #16850
E1700009329	1/19/2017 22:01		INTENSIVE PATROL (PREVENTATIVE)	CONTACT MADE, NO PAPERWORK	ZYGMONT, WESLEY #11372

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E1700009496	1/20/2017 07:01	283	FAMILY FIGHT/DOMESTIC VIOLENCE	CONTACT MADE, NO PAPERWORK	ANSELMO, ROBERT #12533
E1700009706	1/20/2017 17:01		MISDEMEANOR WNT OUTSTANDING	FIELD INTERVIEW NRU	SCHNEIDER, MATTHEW #12251
E1700009880	1/21/2017 00:01		INTENSIVE PATROL (PREVENTATIVE)	CONTACT MADE, NO PAPERWORK	ZYGMONT, WESLEY #11372
E1700010140	1/21/2017 16:01		INCORRIGIBLE JUVENILE	CONTACT MADE, NO PAPERWORK	ANDERKIN, JOSHUA #17198
E1700010171	1/21/2017 17:01		SOLICITING	CONTACT MADE, NO PAPERWORK	QUEENAN, JOEL #16320
E1700010196	1/21/2017 19:01	250	MISSING JUVENILE	OFFENSE REPORT	HAEFFNER, SCOTT #13772
E1700010287	1/21/2017 23:01		INTENSIVE PATROL (PREVENTATIVE)	CONTACT MADE, NO PAPERWORK	FELDER, SYLVIA #17297
E1700010913	1/23/2017 12:01		MISSING PERSON	CONTACT MADE, NO PAPERWORK	JOHNSON, PHILLIP #12682
E1700011702	1/25/2017 02:01		SUSPICIOUS VEHICLE	CONTACT MADE, NO PAPERWORK	BROYLES, JOSHUA #16871
E1700012445	1/26/2017 08:01		INTENSIVE PATROL (PREVENTATIVE)	CONTACT MADE, NO PAPERWORK	HALLIER, ERIC #17503
E1700012552	1/26/2017 11:01		FAMILY FIGHT/DOMESTIC VIOLENCE	CONTACT MADE, NO PAPERWORK	COMPARAN, GILBERTO #10594
E1700012596	1/26/2017 12:01		SOLICITING/PROSTITUTION	OFFENSE REPORT	MITCHELL, TARA #16441
E1700012638	1/26/2017 13:01		SOLICITING PROSTITUTION	OFFENSE REPORT	MITCHELL, TARA #16441
E1700012639	1/26/2017 13:01		COURT ORDER SERVICE REQUEST	UNABLE TO LOCATE	GASTON, SEAN #10458
E1700012874	1/27/2017 00:01		INTENSIVE PATROL (PREVENTATIVE)	CONTACT MADE, NO PAPERWORK	ZYGMONT, WESLEY #11372
E1700013306	1/27/2017 20:01		TRESPASSING	UNABLE TO LOCATE	JOHNSON, ANDREW #17518
E1700013385	1/28/2017 00:01		THEFT OF MEANS	OFFENSE REPORT	CLUBB, JONATHAN #16439
E1700013827	1/29/2017 01:01		SUBJ DISTURBING/HARASSING	FIELD INTERVIEW CARD	COLLINS, SCOTT #15178
E1700014244	1/30/2017 03:01		CIVIL ISSUE	CONTACT MADE, NO PAPERWORK	BROYLES, JOSHUA #16871
E1700014271	1/30/2017 05:01		FAMILY FIGHT/DOMESTIC VIOLENCE	CONTACT MADE, NO PAPERWORK	HANEY, ANTHONY #9971
E1700014401	1/30/2017 12:01		SUSPICIOUS VEHICLE	CONTACT MADE, NO PAPERWORK	JOHNSON, PHILLIP #12682
E1700014869	1/31/2017 09:01		COURT ORDER SERVICE REQUEST	UNABLE TO LOCATE	GASTON, SEAN #10458
E1700015461	2/1/2017 10:02		RECOVERY OF VEHICLE	CONTACT MADE, NO PAPERWORK	CONNER, TIMOTHY #12880

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E1700015752	2/1/2017 15:02	121	CHECK WELFARE	CONTACT MADE, NO PAPERWORK	ATEN, BRIAN #15250
E1700016454	2/2/2017 23:02	290	INJURED OR SICK PERSON	FIELD INTERVIEW CARD	COLLINS, SCOTT #15178
E1700016503	2/3/2017 01:02		FIELD CONTACT	FIELD INTERVIEW CARD	COLLINS, SCOTT #15178
E1700016978	2/3/2017 23:02		INTENSIVE PATROL (PREVENTATIVE)	CONTACT MADE, NO PAPERWORK	ZYGMONT, WESLEY #11372
E1700017037	2/4/2017 01:02	122	ATTEMPT SUICIDE	CONTACT MADE, NO PAPERWORK	CASTIGLIONE, AUSTIN #16850
E1700017238	2/4/2017 13:02	281	THEFT	CONTACT MADE, NO PAPERWORK	PRICE, RANDY #15180
E1700017476	2/5/2017 00:02		SUSPICIOUS VEHICLE	CONTACT MADE, NO PAPERWORK	CARLO, RICARDO #15952
E1700018465	2/7/2017 00:02		FIELD CONTACT	CONTACT MADE, NO PAPERWORK	FAIR, LANCE #16781
E1700019603	2/8/2017 23:02		FAMILY FIGHT/DOMESTIC VIOLENCE	CONTACT MADE, NO PAPERWORK	BASTIN, CHRISTOPHER #16581
E1700019736	2/9/2017 08:02	106	THREAT	CONTACT MADE, NO PAPERWORK	LIVINGSTON, JENNIFER #12223
E1700019940	2/9/2017 15:02		POSSESSION OF DANGEROUS DRUGS	OFFENSE REPORT NRU	SCHNEIDER, MATTHEW #12251
E1700020079	2/9/2017 20:02		CHECK WELFARE	CONTACT MADE, NO PAPERWORK	RAMSAY, JUSTIN #15093
E1700020505	2/10/2017 16:02		SUBJ DISTURBING/HARASSING	CONTACT MADE, NO PAPERWORK	QUEENAN, JOEL #16320
E1700020664	2/10/2017 22:02		INTENSIVE PATROL (PREVENTATIVE)	CONTACT MADE, NO PAPERWORK	ZYGMONT, WESLEY #11372
E1700020762	2/11/2017 02:02		SUBJ DISTURBING/HARASSING	FIELD INTERVIEW CARD	COLLINS, SCOTT #15178
E1700021216	2/12/2017 01:02		CIVIL ISSUE	CONTACT MADE, NO PAPERWORK	FAIR, LANCE #16781
E1700024000	2/17/2017 01:02		FIELD CONTACT	CONTACT MADE, NO PAPERWORK	COLLINS, SCOTT #15178
E1700024059	2/17/2017 06:02		POSSESSION OF NARCOTIC DRUGS	OFFENSE REPORT NRU	SCHNEIDER, MATTHEW #12251
E1700024499	2/17/2017 23:02		SUBJ DISTURBING/HARASSING	CONTACT MADE, NO PAPERWORK	COLLINS, SCOTT #15178
E1700025284	2/19/2017 18:02		TRAFFIC STOP	FIELD INTERVIEW CARD	FERNANDEZ, MICHAEL #15225
E1700025917	2/21/2017 02:02		RECOVERY OF VEHICLE/FOJ TOLLESON	GANG ACTIVITY OFFENSE REPORT	FAIR, LANCE #16781
E1700026101	2/21/2017 11:02	266	FOUND PROPERTY	FIELD INTERVIEW CARD	JOHNSON, PHILLIP #12682
E1700026234	2/21/2017 15:02		CODE 5/SURVEILLANCE	CONTACT MADE, NO PAPERWORK	POCKNELL, THOMAS #13787

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E1700026807	2/22/2017 14:02		AGGRAVATED IDENTITY THEFT	OFFENSE REPORT NRU	PITTMAN, JEFFREY #12718
E1700027132	2/23/2017 02:02		INTENSIVE PATROL (PREVENTATIVE)	CONTACT MADE, NO PAPERWORK	ZYGMONT, WESLEY #11372
E1700027681	2/23/2017 23:02		INTENSIVE PATROL (PREVENTATIVE)	CONTACT MADE, NO PAPERWORK	ZYGMONT, WESLEY #11372
E1700027737	2/24/2017 02:02		FIELD CONTACT	CONTACT MADE, NO PAPERWORK	COLLINS, SCOTT #15178
E1700028093	2/24/2017 17:02		POSSESSION OF MARIJUANA	OFFENSE REPORT NRU	PITTMAN, JEFFREY #12718
E1700030610	3/1/2017 18:03		THEFT	OFFENSE REPORT	VENERACION, RODRIGO #14403
E1700032253	3/4/2017 17:03		FAMILY FIGHT/DOMESTIC VIOLENCE	CONTACT MADE, NO PAPERWORK	SPIWAK, ADAM #15729
E1700032452	3/5/2017 00:03		SUSPICIOUS VEHICLE	CONTACT MADE, NO PAPERWORK	FELDER, SYLVIA #17297
E1700032727	3/5/2017 18:03		INTENSIVE PATROL (PREVENTATIVE)	CONTACT MADE, NO PAPERWORK	ATEN, BRIAN #15250
E1700032865	3/6/2017 02:03	132	NARCOTICS	OFFENSE REPORT	FELDER, SYLVIA #17297
E1700033143	3/6/2017 15:03		INTENSIVE PATROL (PREVENTATIVE)	CONTACT MADE, NO PAPERWORK	STANFIELD, BRIAN #10239
E1700033715	3/7/2017 16:03		DANGEROUS DRUGS	OFFENSE REPORT NRU	TOLBERT, LACEY #13338
E1700033846	3/7/2017 21:03	128	UNWANTED GUESTS	FIELD INTERVIEW CARD	BROYLES, JOSHUA #16871
E1700033857	3/7/2017 22:03		911 HANGUP, CHECK WELFARE	CONTACT MADE, NO PAPERWORK	BASTIN, CHRISTOPHER #16581
E1700033897	3/8/2017 00:03		FIELD CONTACT	CONTACT MADE, NO PAPERWORK	BROYLES, JOSHUA #16871
E1700034056	3/8/2017 09:03		POSSESSION OF MARIJUANA	OFFENSE REPORT NRU	SCHNEIDER, MATTHEW #12251
E1700034345	3/8/2017 16:03		FIELD CONTACT	CONTACT MADE, NO PAPERWORK	LINDSEY, MARK #15543
E1700034682	3/9/2017 08:03		CRIMINAL DAMAGE	CONTACT MADE, NO PAPERWORK	COMPARAN, GILBERTO #10594
E1700036501	3/13/2017 07:03		SUSPICIOUS VEHICLE	CONTACT MADE, NO PAPERWORK	JOHNSON, PHILLIP #12682
E1700036731	3/13/2017 15:03		INVESTIGATE UNKNOWN TROUBLE	CONTACT MADE, NO PAPERWORK	ALLOWAY, JEFFREY #15779
E1700036784	3/13/2017 17:03		INVESTIGATE UNKNOWN TROUBLE	UNABLE TO LOCATE	SHOOP, BRIAN #10598
E1700037386	3/14/2017 22:03		FIELD CONTACT	CONTACT MADE, NO PAPERWORK	HALLIER, ERIC #17503
E1700037798	3/15/2017 16:03		SUSPICIOUS PERSON/CIRCUMSTANCE	CONTACT MADE, NO PAPERWORK	HAEFFNER, SCOTT #13772

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E1700037892	3/15/2017 19:03		INTENSIVE PATROL (PREVENTATIVE)	CONTACT MADE, NO PAPERWORK	ATEN, BRIAN #15250
E1700037935	3/15/2017 20:03		INTENSIVE PATROL (PREVENTATIVE)	CONTACT MADE, NO PAPERWORK	ATEN, BRIAN #15250
E1700038414	3/16/2017 20:03		SUSPICIOUS VEHICLE	GANG ACTIVITY NO OFFENSE REPORT	JOHNSTON, WILLIAM #8134
E1700038533	3/17/2017 01:03		FIELD CONTACT	CONTACT MADE, NO PAPERWORK	COLLINS, SCOTT #15178
E1700039231	3/18/2017 10:03		HIT AND RUN, NON-INJURY	ACCIDENT	GUTIERREZ, PETER #16139
E1700044094	3/27/2017 19:03		SUSPICIOUS PERSON/CIRCUMSTANCE	FIELD INTERVIEW NRU	LEWIS, LEROY #15542
E1700044801	3/29/2017 02:03		FOUND MISSING PERSON	CONTACT MADE, NO PAPERWORK	HAJEK, JAMES #15007
E1700045976	3/31/2017 01:03		TRAFFIC STOP	CONTACT MADE, NO PAPERWORK	COLLINS, SCOTT #15178
E1700046263	3/31/2017 14:03		INJURED OR SICK PERSON	CONTACT MADE, NO PAPERWORK	MABRY, MITCHELL #16908
E1700046572	4/1/2017 03:04		SUSPICIOUS PERSON/CIRCUMSTANCE	CONTACT MADE, NO PAPERWORK	BASTIN, CHRISTOPHER #16581
E1700046780	4/1/2017 15:04		FIELD CONTACT	CONTACT MADE, NO PAPERWORK	KUEFER, WESLEY #16905
E1700048393	4/4/2017 19:04		SUSPICIOUS VEHICLE	FIELD INTERVIEW CARD	ATEN, BRIAN #15250
E1700048402	4/4/2017 20:04		INTENSIVE PATROL (PREVENTATIVE)	DUPLICATE CALL RECEIVED	FIKEJS, STEPHANIE #16890
E1700048405	4/4/2017 20:04		STOLEN VEHICLE RECOVERY FOJ	OFFENSE REPORT	ATEN, BRIAN #15250
E1700048977	4/5/2017 17:04		TRESPASSING	UNABLE TO LOCATE	ATEN, BRIAN #15250
E1700049042	4/5/2017 20:04		FIELD CONTACT	CONTACT MADE, NO PAPERWORK	ATEN, BRIAN #15250
E1700049202	4/6/2017 05:04		THEFT OF VEHICLE	FIELD INTERVIEW CARD	POWERS, WILLIAM #13142
E1700050338	4/8/2017 01:04		FIELD CONTACT	CONTACT MADE, NO PAPERWORK	CARROLL, JOSHUA #16003
E1700050825	4/9/2017 04:04		FELONY WARRANT OUTSTANDING	FIELD INTERVIEW CARD	COLLINS, SCOTT #15178
E1700051809	4/11/2017 04:04		SUSPICIOUS VEHICLE	CONTACT MADE, NO PAPERWORK	FAIR, LANCE #16781
E1700052749	4/12/2017 17:04		STOLEN VEHICLE RECOVERY FOJ	OFFENSE REPORT	MARTINEZ, FRANCISCO #17707
E1700052893	4/12/2017 23:04		TRESPASSING	UNABLE TO LOCATE	VALENZUELA, PATRICK #9090
E1700053030	4/13/2017 08:04		FIELD CONTACT	CONTACT MADE, NO PAPERWORK	SCHNEIDER, MATTHEW #12251

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E1700054996	4/17/2017 03:04		INTENSIVE PATROL (PREVENTATIVE)	CONTACT MADE, NO PAPERWORK	FAIR, LANCE #16781
E1700055702	4/18/2017 11:04		FIELD CONTACT	CONTACT MADE, NO PAPERWORK	SCHNEIDER, MATTHEW #12251
E1700055889	4/18/2017 18:04		POSSESSION OF DANGEROUS DRUGS	OFFENSE REPORT	ATEN, BRIAN #15250
E1700056140	4/19/2017 09:04		BACK UP, ASSIST	CONTACT MADE, NO PAPERWORK	BAXTER, CODY #17638
E1700056176	4/19/2017 10:04		SOLICITING	OFFENSE REPORT	, OTHER AGENCY REPORT #0
E1700057326	4/21/2017 14:04		SUBJ DISTURBING/HARASSING	UNABLE TO LOCATE	JOHNSON, ANDREW #17518
E1700057945	4/22/2017 22:04		POSSESSION OF NARCOTICS	OFFENSE REPORT	BROYLES, JOSHUA #16871
E1700057988	4/22/2017 23:04		CIVIL ISSUE	CONTACT MADE, NO PAPERWORK	BROYLES, JOSHUA #16871
E1700058159	4/23/2017 10:04		STOLEN VEHICLE RECOVERY FOJ	OFFENSE REPORT	JOHNSON, PHILLIP #12682
E1700058905	4/24/2017 22:04		CHECK WELFARE	CONTACT MADE, NO PAPERWORK	FELDER, SYLVIA #17297
E1700061499	4/29/2017 16:04		ASSAULT	OFFENSE REPORT	HAEFFNER, SCOTT #13772
E1700061883	4/30/2017 11:04		FAMILY FIGHT/DOMESTIC VIOLENCE	CONTACT MADE, NO PAPERWORK	JOHNSON, PHILLIP #12682
E1700062454	5/1/2017 18:05		SUBJ DISTURBING/HARASSING	COMPL/ALARM COMPANY CALLED TO CANCEL	HICKMAN, JOSHUA #17623
E1700063073	5/2/2017 19:05		FIGHT	CONTACT MADE, NO PAPERWORK	ATEN, BRIAN #15250
E1700063705	5/3/2017 22:05		P.R. CONTACT	CONTACT MADE, NO PAPERWORK	CARROLL, JOSHUA #16003
E1700063720	5/3/2017 23:05		FIELD CONTACT	CONTACT MADE, NO PAPERWORK	CARROLL, JOSHUA #16003
E1700064023	5/4/2017 13:05		POSSESSION OF DANGEROUS DRUGS	OFFENSE REPORT	QUEENAN, JOEL #16320
E1700064174	5/4/2017 19:05	134	FOUND MISSING PERSON	CONTACT MADE, NO PAPERWORK	DULANEY, MARCEL #16440
E1700064287	5/5/2017 01:05		FIELD CONTACT	FIELD INTERVIEW CARD	COLLINS, SCOTT #15178
E1700064315	5/5/2017 03:05		FIELD CONTACT	CONTACT MADE, NO PAPERWORK	CARROLL, JOSHUA #16003
E1700065019	5/6/2017 11:05	282	P.R. CONTACT	COMPL/ALARM COMPANY CALLED TO CANCEL	CALDERON, JAMES #15251
E1700065198	5/6/2017 19:05		SUBJ DISTURBING/HARASSING	CONTACT MADE, NO PAPERWORK	MABRY, MITCHELL #16908

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E1700065513	5/7/2017 13:05		UNATTENDED DEATH	OFFENSE REPORT	DOERR, GLENN #15123
E1700066161	5/8/2017 19:05		CIVIL ISSUE	CONTACT MADE, NO PAPERWORK	FERNANDEZ, MICHAEL #15225
E1700066263	5/9/2017 01:05		SUSPICIOUS VEHICLE	CONTACT MADE, NO PAPERWORK	FAIR, LANCE #16781
E1700066555	5/9/2017 16:05		POSSESSION OF DANGEROUS DRUGS	OFFENSE REPORT NRU	SCHNEIDER, MATTHEW #12251
E1700066681	5/9/2017 21:05		FELONY WARRANT OUTSTANDING	FIELD INTERVIEW NRU	SCHNEIDER, MATTHEW #12251
E1700067269	5/11/2017 00:05		INTENSIVE PATROL (PREVENTATIVE)	CONTACT MADE, NO PAPERWORK	ZYGMONT, WESLEY #11372
E1700067323	5/11/2017 03:05		SUBJ DISTURBING/HARASSING	CONTACT MADE, NO PAPERWORK	CARROLL, JOSHUA #16003
E1700067535	5/11/2017 11:05		THEFT OF VEHICLE	UNABLE TO LOCATE	ELKHANNOUSSI, BADR #16856
E1700067710	5/11/2017 17:05		THEFT OF VEHICLE	CONTACT MADE, NO PAPERWORK	MABRY, MITCHELL #16908
E1700067781	5/11/2017 21:05		TRESPASSING	OFFENSE REPORT	QUEENAN, JOEL #16320
E1700067883	5/12/2017 03:05		TRESPASSING	CONTACT MADE, NO PAPERWORK	YATES, AADAM #13508
E1700067888	5/12/2017 04:05		INTENSIVE PATROL (PREVENTATIVE)	CONTACT MADE, NO PAPERWORK	CARROLL, JOSHUA #16003
E1700068292	5/12/2017 21:05		RPT OF MARIJUANA	FIELD INTERVIEW NRU	LINDSEY, MARK #15543
E1700068526	5/13/2017 08:05	274	911 HANGUP, CHECK WELFARE	CONTACT MADE, NO PAPERWORK	DOE, JOHN #13263
E1700069384	5/15/2017 07:05		STOLEN VEHICLE RECOVERY	OFFENSE REPORT	JOHNSON, PHILLIP #12682
E1700069399	5/15/2017 08:05		FELONY WARRANT OUTSTANDING	FIELD INTERVIEW CARD	CONNER, TIMOTHY #12880
E1700069869	5/16/2017 04:05		FIELD CONTACT	CONTACT MADE, NO PAPERWORK	SINGER, ELAINE #10643
E1700069911	5/16/2017 08:05		THEFT FROM VEHICLE	CONTACT MADE, NO PAPERWORK	CONNER, TIMOTHY #12880
E1700070317	5/16/2017 21:05		FIELD CONTACT	CONTACT MADE, NO PAPERWORK	ALLOWAY, JEFFREY #15779
E1700070406	5/17/2017 01:05		INTENSIVE PATROL (PREVENTATIVE)	CONTACT MADE, NO PAPERWORK	FELDER, SYLVIA #17297
E1700070422	5/17/2017 02:05		SUSPICIOUS PERSON/CIRCUMSTANCE	CONTACT MADE, NO PAPERWORK	LECHUGA, LAURA #17436
E1700071273	5/18/2017 13:05		MISDEMEANOR WNT OUTSTANDING	FIELD INTERVIEW NRU	LINDSEY, MARK #15543
E1700071755	5/19/2017 11:05		SUSPICIOUS VEHICLE	CONTACT MADE, NO PAPERWORK	LINDSEY, MARK #15543
E1700071756	5/19/2017 11:05		DANGEROUS DRUGS	OFFENSE REPORT	ESH, WILLIAM #15006

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E1700071791	5/19/2017 12:05		POSSESSION OF DANGEROUS DRUGS	OFFENSE REPORT NRU	SCHNEIDER, MATTHEW #12251
E1700072485	5/20/2017 23:05		SUBJ DISTURBING/HARASSING	CONTACT MADE, NO PAPERWORK	HANSEN, KYLE #17522
E1700072799	5/21/2017 18:05		ASSAULT	CONTACT MADE, NO PAPERWORK	FIKEJS, STEPHANIE #16890
E1700072917	5/21/2017 23:05		SUBJ DISTURBING/HARASSING	CONTACT MADE, NO PAPERWORK	FELDER, SYLVIA #17297
E1700073110	5/22/2017 09:05		STOLEN VEHICLE	OFFENSE REPORT	CONNER, TIMOTHY #12880
E1700073365	5/22/2017 19:05		FIELD CONTACT	CONTACT MADE, NO PAPERWORK	ATEN, BRIAN #15250
E1700073412	5/22/2017 22:05		FELONY WARRANT OUTSTANDING	FIELD INTERVIEW CARD	SINGER, ELAINE #10643
E1700073810	5/23/2017 14:05		FIGHT	CONTACT MADE, NO PAPERWORK	JOHNSON, PHILLIP #12682
E1700074003	5/23/2017 20:05		CHECK WELFARE	FIELD INTERVIEW CARD	BAXTER, CODY #17638
E1700074029	5/23/2017 22:05		RECOVERY OF VEHICLE	CONTACT MADE, NO PAPERWORK	CLUBB, JONATHAN #16439
E1700075023	5/25/2017 18:05		AGGRAVATED ASSAULT	OFFENSE REPORT	MABRY, MITCHELL #16908
E1700075189	5/26/2017 01:05		SUSPICIOUS PERSON/CIRCUMSTANCE	FIELD INTERVIEW CARD	COLLINS, SCOTT #15178
E1700075464	5/26/2017 15:05		FIELD CONTACT	OFFENSE REPORT NRU	TOLBERT, LACEY #13338
E1700075471	5/26/2017 15:05		FIELD CONTACT	NO ACTION	, ATL CALL (FROM CAD) #9000
E1700076218	5/27/2017 22:05		SUSPICIOUS PERSON/CIRCUMSTANCE	FIELD INTERVIEW CARD	COLLINS, SCOTT #15178
E1700077484	5/30/2017 08:05		FIELD CONTACT	CONTACT MADE, NO PAPERWORK	CONNER, TIMOTHY #12880
E1700077573	5/30/2017 10:05		SUBJ DISTURBING/HARASSING	CONTACT MADE, NO PAPERWORK	SCOTT, PHILLIP #17603
E1700077740	5/30/2017 15:05		TRESPASSING	UNABLE TO LOCATE	ATEN, BRIAN #15250
E1700078449	5/31/2017 16:05		FIELD CONTACT	CONTACT MADE, NO PAPERWORK	ATEN, BRIAN #15250
E1700078452	5/31/2017 16:05		911 HANGUP, CHECK WELFARE	UNABLE TO LOCATE	FIKEJS, STEPHANIE #16890
E1700078585	5/31/2017 20:05		FIELD CONTACT	CONTACT MADE, NO PAPERWORK	TOLBERT, LACEY #13338
E1700078603	5/31/2017 21:05		SUSPICIOUS VEHICLE	FIELD INTERVIEW NRU	TOLBERT, LACEY #13338
E1700078684	6/1/2017 00:06		STOLEN VEHICLE RECOVERY/FOJ	SUPPLEMENTAL REPORT	COLLINS, SCOTT #15178

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E1700078731	6/1/2017 02:06		SUBJ DISTURBING/HARASSING	CONTACT MADE, NO PAPERWORK	FROHLICH, MARK #15388
E1700079320	6/2/2017 01:06		SUSPICIOUS PERSON/CIRCUMSTANCE	CONTACT MADE, NO PAPERWORK	COLLINS, SCOTT #15178
E1700079511	6/2/2017 10:06		SUBJ DISTURBING/HARASSING	CONTACT MADE, NO PAPERWORK	COMPARAN, GILBERTO #10594
E1700079723	6/2/2017 18:06		SUSPICIOUS PERSON/CIRCUMSTANCE	CONTACT MADE, NO PAPERWORK	BURGETT, ZACHARY #17070
E1700081829	6/7/2017 01:06		THEFT	OFFENSE REPORT	MARTINEZ, FRANCISCO #17707
E1700082333	6/7/2017 23:06		ATTEMPT SUICIDE	OFFENSE REPORT	ANSELL, DYLAN #17089
E1700082531	6/8/2017 10:06		911 HANGUP, CHECK WELFARE	CONTACT MADE, NO PAPERWORK	HANEY, ANTHONY #9971
E1700082733	6/8/2017 16:06		FIELD CONTACT	CONTACT MADE, NO PAPERWORK	PITTMAN, JEFFREY #12718
E1700082804	6/8/2017 19:06		TRAFFIC STOP	CONTACT MADE, NO PAPERWORK	SCHNEIDER, MATTHEW #12251
E1700082908	6/9/2017 02:06		FALSE INFO	OFFENSE REPORT	COLLINS, SCOTT #15178
E1700083307	6/9/2017 19:06		SUSPICIOUS VEHICLE	CONTACT MADE, NO PAPERWORK	MABRY, MITCHELL #16908
E1700083851	6/10/2017 22:06	278	FAMILY FIGHT/DOMESTIC VIOLENCE	UNABLE TO LOCATE	CARROLL, JOSHUA #16003
E1700083952	6/11/2017 01:06		TRAFFIC STOP	CONTACT MADE, NO PAPERWORK	KULAGA, DAVID #11193
E1700084004	6/11/2017 03:06	121	INJURED OR SICK PERSON	FIELD INTERVIEW CARD	CARROLL, JOSHUA #16003
E1700084054	6/11/2017 07:06		FIELD CONTACT	CONTACT MADE, NO PAPERWORK	CONNER, TIMOTHY #12880
E1700084087	6/11/2017 09:06	127	SUSPICIOUS PERSON/CIRCUMSTANCE	CONTACT MADE, NO PAPERWORK	JOHNSON, PHILLIP #12682
E1700084477	6/12/2017 04:06	129	THEFT	CONTACT MADE, NO PAPERWORK	HALLIER, ERIC #17503
E1700084623	6/12/2017 11:06	103	OVERDOSE VICTIM	FIELD INTERVIEW CARD	JOHNSON, PHILLIP #12682
E1700084769	6/12/2017 17:06	274	FAMILY FIGHT/DOMESTIC VIOLENCE	CONTACT MADE, NO PAPERWORK	SHOOP, BRIAN #10598
E1700085254	6/13/2017 15:06		TRESPASSING	FIELD INTERVIEW CARD	STANFIELD, BRIAN #10239
E1700085646	6/14/2017 10:06		RECOVERY OF VEHICLE	CONTACT MADE, NO PAPERWORK	THRASHER, CLIFFORD #12250
E1700085877	6/14/2017 17:06		FRAUD	CONTACT MADE, NO PAPERWORK	STANFIELD, BRIAN #10239
E1700085878	6/14/2017 18:06		SUSPICIOUS VEHICLE	CONTACT MADE, NO PAPERWORK	ATEN, BRIAN #15250

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E1700085943	6/14/2017 21:06		SUSPICIOUS PERSON/CIRCUMSTANCE	GANG ACTIVITY NO OFFENSE REPORT	JOHNSTON, WILLIAM #8134
E1700086235	6/15/2017 09:06		FRAUD	OFFENSE REPORT	NICHOLAS, CODY #16998
E1700086585	6/16/2017 01:06		CHECK WELFARE	FIELD INTERVIEW CARD	ANSELL, DYLAN #17089
E1700086893	6/16/2017 18:06		SUBJ DISTURBING/HARASSING	CONTACT MADE, NO PAPERWORK	QUEENAN, JOEL #16320
E1700087268	6/17/2017 11:06		TRESPASSING	CONTACT MADE, NO PAPERWORK	PRICE, RANDY #15180
E1700087595	6/18/2017 02:06		THEFT	OFFENSE REPORT	HALLIER, ERIC #17503
E1700088262	6/19/2017 15:06		PAPERWORK	FIELD INTERVIEW CARD	HORSLEY, JEFFREY #8684
E1700089152	6/21/2017 09:06		FAMILY FIGHT/DOMESTIC VIOLENCE	CONTACT MADE, NO PAPERWORK	CONNER, TIMOTHY #12880
E1700089336	6/21/2017 16:06		FIELD CONTACT	CONTACT MADE, NO PAPERWORK	LINDSEY, MARK #15543
E1700089424	6/21/2017 20:06		DANGEROUS DRUGS	OFFENSE REPORT NRU	LEWIS, LEROY #15542
E1700090841	6/24/2017 11:06		FOUND PROPERTY	CONTACT MADE, NO PAPERWORK	NICHOLAS, CODY #16998
E1700091472	6/25/2017 16:06		RECOVERY OF VEHICLE	UNABLE TO LOCATE	ATEN, BRIAN #15250
E1700092431	6/27/2017 15:06		RECOVERY OF VEHICLE	CONTACT MADE, NO PAPERWORK	MCLEOD, BRET #11368
E1700093564	6/29/2017 21:06		DISORDERLY CONDUCT	OFFENSE REPORT	ANSELL, DYLAN #17089
E1700093820	6/30/2017 11:06		SUBJ DISTURBING/HARASSING	COMPL/ALARM COMPANY CALLED TO CANCEL	PENROSE, JUSTIN #13709
E1700093890	6/30/2017 14:06		FIELD CONTACT	CONTACT MADE, NO PAPERWORK	LINDSEY, MARK #15543
E1700094208	7/1/2017 00:07		POSSESSION OF MARIJUANA	CONTACT MADE, NO PAPERWORK	VASQUEZ, GABRIEL #9942
E1700094255	7/1/2017 02:07		FIELD CONTACT	CONTACT MADE, NO PAPERWORK	COLLINS, SCOTT #15178
E1700094561	7/1/2017 19:07		FIELD CONTACT	DUPLICATE CALL RECEIVED	STEWART, RANDY #12255
E1700095305	7/3/2017 08:07		INTENSIVE PATROL (PREVENTATIVE)	CONTACT MADE, NO PAPERWORK	MAROTTA, MICHAEL #12537
E1700095371	7/3/2017 11:07		INTENSIVE PATROL (PREVENTATIVE)	CONTACT MADE, NO PAPERWORK	ZYGMONT, WESLEY #11372
E1700095403	7/3/2017 12:07	263	FAMILY FIGHT/DOMESTIC VIOLENCE	CONTACT MADE, NO PAPERWORK	CONNER, TIMOTHY #12880
E1700096278	7/5/2017 05:07		FIGHT	CONTACT MADE, NO PAPERWORK	HUBBUCH, JAMISON #12524

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E1700096728	7/5/2017 22:07		THREATS	OFFENSE REPORT	COLLINS, SCOTT #15178
E1700097100	7/6/2017 17:07		SUSPICIOUS PERSON/CIRCUMSTANCE	CONTACT MADE, NO PAPERWORK	BURGETT, ZACHARY #17070
E1700097762	7/7/2017 22:07		INVESTIGATE UNKNOWN TROUBLE	UNABLE TO LOCATE	CARROLL, JOSHUA #16003
E1700098490	7/9/2017 11:07		THREAT	CONTACT MADE, NO PAPERWORK	CONNER, TIMOTHY #12880
E1700098578	7/9/2017 16:07		SHOPLIFTING	CONTACT MADE, NO PAPERWORK	ATEN, BRIAN #15250
E1700100750	7/13/2017 18:07		SUSPICIOUS PERSON/CIRCUMSTANCE	DUPLICATE CALL RECEIVED	VASQUEZ, GABRIEL #9942
E1700100751	7/13/2017 18:07	126	NARCOTICS OVERDOSE	OFFENSE REPORT	QUEENAN, JOEL #16320
E1700100778	7/13/2017 18:07		MISSING PERSON	UNABLE TO LOCATE	CASTIGLIONE, AUSTIN #16850
E1700102265	7/16/2017 15:07		FELONY FLIGHT	OFFENSE REPORT	ATEN, BRIAN #15250
E1700102285	7/16/2017 17:07		PRIV. PROPERTY, NON-INJURY	FIELD INTERVIEW CARD	DAUKAS, JEFF #12233
E1700103284	7/18/2017 16:07		FIELD CONTACT	CONTACT MADE, NO PAPERWORK	PITTMAN, JEFFREY #12718
E1700103400	7/18/2017 21:07		POSSESSION OF DANGEROUS DRUGS	FIELD INTERVIEW NRU	LEWIS, LEROY #15542
E1700103853	7/19/2017 16:07		FIELD CONTACT	FIELD INTERVIEW NRU	PITTMAN, JEFFREY #12718
E1700103980	7/19/2017 22:07		SUSPICIOUS PERSON/CIRCUMSTANCE	FIELD INTERVIEW NRU	LEWIS, LEROY #15542
E1700104693	7/21/2017 10:07		CHECK WELFARE	CONTACT MADE, NO PAPERWORK	LOPEZ, PAUL #15389
E1700104797	7/21/2017 14:07		FIELD CONTACT	CONTACT MADE, NO PAPERWORK	SCHNEIDER, MATTHEW #12251
E1700104998	7/21/2017 23:07		AGG ASSAULT/OFFICER	OFFENSE REPORT	COLLINS, SCOTT #15178
E1700105654	7/23/2017 11:07		INTENSIVE PATROL (PREVENTATIVE)	CONTACT MADE, NO PAPERWORK	ZYGMONT, WESLEY #11372
E1700105953	7/24/2017 01:07		UNWANTED GUESTS	CONTACT MADE, NO PAPERWORK	HALLIER, ERIC #17503
E1700106435	7/25/2017 01:07		FIELD CONTACT	CONTACT MADE, NO PAPERWORK	CLONTZ, DANNY #16886
E1700106691	7/25/2017 14:07		FIELD CONTACT	CONTACT MADE, NO PAPERWORK	PITTMAN, JEFFREY #12718
E1700107320	7/26/2017 19:07		ASSAULT WITH A DEADLY WEAPON	OFFENSE REPORT NRU	LEWIS, LEROY #15542
E1700108663	7/29/2017 13:07		FOUND PROPERTY	FIELD INTERVIEW CARD	MABRY, MITCHELL #16908
E1700109180	7/30/2017 14:07		FIELD CONTACT	ASSIST FIRE DEPARTMENT	JOHNSON, PHILLIP #12682

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E1700109193	7/30/2017 15:07		INTENSIVE PATROL (PREVENTATIVE)	CONTACT MADE, NO PAPERWORK	STANFIELD, BRIAN #10239
E1700109208	7/30/2017 16:07		THEFT	FIELD INTERVIEW CARD	ATEN, BRIAN #15250
E1700109292	7/30/2017 20:07		SUSPICIOUS PERSON/CIRCUMSTANCE	CONTACT MADE, NO PAPERWORK	KUEFER, WESLEY #16905
E1700109371	7/31/2017 00:07		SUSPICIOUS VEHICLE	CONTACT MADE, NO PAPERWORK	FAIR, LANCE #16781
E1700109774	7/31/2017 21:07	128	OVERDOSE VICTIM	ASSIST FIRE DEPARTMENT	DOERR, GLENN #15123
E1700110118	8/1/2017 14:08		INTENSIVE PATROL (PREVENTATIVE)	CONTACT MADE, NO PAPERWORK	STANFIELD, BRIAN #10239
E1700110941	8/3/2017 04:08	277	FAMILY FIGHT/DOMESTIC VIOLENCE	CONTACT MADE, NO PAPERWORK	BASTIN, CHRISTOPHER #16581
E1700110946	8/3/2017 04:08		TRESPASSING	FIELD INTERVIEW CARD	BASTIN, CHRISTOPHER #16581
E1700111348	8/3/2017 21:08	125	SUBJ DISTURBING/HARASSING	CONTACT MADE, NO PAPERWORK	JOHNSON, ANDREW #17518
E1700111459	8/4/2017 02:08		RECOVERY OF VEHICLE	CONTACT MADE, NO PAPERWORK	SAUCEDA, MIGUEL #17774
E1700111472	8/4/2017 03:08		FIELD CONTACT	CONTACT MADE, NO PAPERWORK	CARROLL, JOSHUA #16003
E1700111682	8/4/2017 14:08		DV/ASSAULT	OFFENSE REPORT NRU	PITTMAN, JEFFREY #12718
E1700111990	8/5/2017 02:08		SUSPICIOUS VEHICLE	CONTACT MADE, NO PAPERWORK	FROHLICH, MARK #15388
E1700112265	8/5/2017 16:08		SUSPICIOUS PERSON/CIRCUMSTANCE	FIELD INTERVIEW CARD	MCCORT, KEVIN #16872
E1700112344	8/5/2017 19:08		SUSPICIOUS VEHICLE	CONTACT MADE, NO PAPERWORK	JOHNSTON, WILLIAM #8134
E1700112552	8/6/2017 03:08		DRUNK	CONTACT MADE, NO PAPERWORK	ARMSTRONG, JONATHAN #16894
E1700112666	8/6/2017 09:08		INTENSIVE PATROL (PREVENTATIVE)	CONTACT MADE, NO PAPERWORK	ZYGMONT, WESLEY #11372
E1700112727	8/6/2017 12:08		FIELD CONTACT	CONTACT MADE, NO PAPERWORK	CUNNINGHAM, JAMES #10595
E1700112934	8/6/2017 20:08		SUSPICIOUS VEHICLE	CONTACT MADE, NO PAPERWORK	ANSELL, DYLAN #17089
E1700113360	8/7/2017 16:08		INJURED ANIMALS	CONTACT MADE, NO PAPERWORK	AHERN, JOSEPH #15122
E1700114705	8/10/2017 02:08	110	SUBJ DISTURBING/HARASSING	CONTACT MADE, NO PAPERWORK	BARGER, JUSTIN #15175
E1700115486	8/11/2017 13:08	272	POSSESSION OF NARCOTIC DRUGS	OFFENSE REPORT	COLLINS, SCOTT #15178

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E1700116808	8/14/2017 00:08		FIELD CONTACT	CONTACT MADE, NO PAPERWORK	PENROSE, JUSTIN #13709
E1700118043	8/16/2017 08:08		THEFT OF CREDIT CARD	OFFENSE REPORT	JOHNSON, PHILLIP #12682
E1700118634	8/17/2017 11:08		FIELD CONTACT	CONTACT MADE, NO PAPERWORK	TERRELL, LAMYAA #17789
E1700120246	8/20/2017 11:08		INTENSIVE PATROL (PREVENTATIVE)	CONTACT MADE, NO PAPERWORK	ZYGMONT, WESLEY #11372
E1700121783	8/23/2017 02:08	291	POSSESSION OF NARCOTICS	OFFENSE REPORT	PENROSE, JUSTIN #13709
E1700122125	8/23/2017 15:08		DRUNK	FIELD INTERVIEW CARD	SEIDL, ALLAN #16321
E1700122323	8/23/2017 23:08		SUSPICIOUS VEHICLE	CONTACT MADE, NO PAPERWORK	PENROSE, JUSTIN #13709
E1700122888	8/25/2017 01:08		FIGHT	FIELD INTERVIEW CARD	ARMSTRONG, JONATHAN #16894
E1700122906	8/25/2017 02:08		TRESPASSING	FIELD INTERVIEW CARD	ARMSTRONG, JONATHAN #16894
E1700124328	8/27/2017 22:08		FIELD CONTACT	CONTACT MADE, NO PAPERWORK	FAIR, LANCE #16781
E1700128916	9/5/2017 05:09		ASSAULT	OFFENSE REPORT	LANCASTER, BRAD #16906
E1700129175	9/5/2017 13:09	136	UNATTENDED DEATH	OFFENSE REPORT	TERRELL, LAMYAA #17789
E1700129768	9/6/2017 11:09		SUSPICIOUS VEHICLE	FIELD INTERVIEW NRU	LINDSEY, MARK #15543
E1700129928	9/6/2017 15:09		FIELD CONTACT	CONTACT MADE, NO PAPERWORK	PITTMAN, JEFFREY #12718
E1700130001	9/6/2017 18:09	130	SUBJ DISTURBING/HARASSING	FIELD INTERVIEW CARD	JOHNSTON, WILLIAM #8134
E1700130181	9/7/2017 04:09		FAMILY FIGHT/DOMESTIC VIOLENCE	CONTACT MADE, NO PAPERWORK	CLUBB, JONATHAN #16439
E1700130532	9/7/2017 16:09		FELONY WARRANT OUTSTANDING	CONTACT MADE, NO PAPERWORK	MCCORT, KEVIN #16872
E1700130964	9/8/2017 11:09		THEFT OF MEANS	OFFENSE REPORT	COMPARAN, GILBERTO #10594
E1700132284	9/10/2017 22:09		FIELD CONTACT	CONTACT MADE, NO PAPERWORK	PLEDGER, KEITH #15801
E1700132342	9/11/2017 00:09		FIELD CONTACT	CONTACT MADE, NO PAPERWORK	PENROSE, JUSTIN #13709
E1700132931	9/12/2017 01:09		POSSESSION OF DRUG PARAPHERNALIA	OFFENSE REPORT	FAIR, LANCE #16781
E1700132955	9/12/2017 02:09		TRESPASSING	UNABLE TO LOCATE	LANCASTER, BRAD #16906
E1700133994	9/13/2017 14:09	272	POSSESSION OF DANGEROUS DRUGS	OFFENSE REPORT NRU	PITTMAN, JEFFREY #12718

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E1700134025	9/13/2017 14:09		DANGEROUS DRUGS	CONTACT MADE, NO PAPERWORK	LINDSEY, MARK #15543
E1700135638	9/16/2017 11:09		SUSPICIOUS CIRCUMSTANCES	OFFENSE REPORT	CONTRERAS, MICHAEL #14242
E1700135949	9/17/2017 00:09		INSANE PERSON	CONTACT MADE, NO PAPERWORK	FAIR, LANCE #16781
E1700135975	9/17/2017 01:09		SUSPICIOUS PERSON/CIRCUMSTANCE	CONTACT MADE, NO PAPERWORK	ARMSTRONG, JONATHAN #16894
E1700136974	9/18/2017 22:09		POSSESSION OF DANGEROUS DRUGS	OFFENSE REPORT	PENROSE, JUSTIN #13709
E1700137193	9/19/2017 11:09		SUBJ DISTURBING/HARASSING	CONTACT MADE, NO PAPERWORK	ANDERSON, BRYAN #11307
E1700137688	9/20/2017 11:09		FIELD CONTACT	CONTACT MADE, NO PAPERWORK	ANDERSON, BRYAN #11307
E1700139740	9/24/2017 03:09		LIQUOR VIOLATION	OFFENSE REPORT	FAIR, LANCE #16781
E1700139846	9/24/2017 11:09		CHECK WELFARE	ASSIST FIRE DEPARTMENT	CONNER, TIMOTHY #12880
E1700140179	9/25/2017 03:09		SUSPICIOUS PERSON/CIRCUMSTANCE	CONTACT MADE, NO PAPERWORK	LANCASTER, BRAD #16906
E1700141093	9/26/2017 23:09		SUSPICIOUS PERSON/CIRCUMSTANCE	CONTACT MADE, NO PAPERWORK	CARROLL, JOSHUA #16003
E1700142670	9/29/2017 21:09		SUSPICIOUS PERSON/CIRCUMSTANCE	CONTACT MADE, NO PAPERWORK	SEIDL, ALLAN #16321
E1700142838	9/30/2017 03:09	257	SUBJ DISTURBING/HARASSING	CONTACT MADE, NO PAPERWORK	ARMSTRONG, JONATHAN #16894
E1700143447	10/1/2017 10:10	282	DV/ASSAULT	OFFENSE REPORT	JOHNSON, PHILLIP #12682
E1700143464	10/1/2017 11:10		MISDEMEANOR WNT OUTSTANDING	CONTACT MADE, NO PAPERWORK	JOHNSON, PHILLIP #12682
E1700143650	10/1/2017 20:10	126	INCORRIGIBLE JUVENILE	CONTACT MADE, NO PAPERWORK	AHERN, JOSEPH #15122
E1700144837	10/4/2017 01:10		CHECK WELFARE	CONTACT MADE, NO PAPERWORK	BUTCHER, BRITTANY #17191
E1700145620	10/5/2017 15:10		FIELD CONTACT	CONTACT MADE, NO PAPERWORK	LINDSEY, MARK #15543
E1700145803	10/5/2017 21:10		SUSPICIOUS PERSON/CIRCUMSTANCE	CONTACT MADE, NO PAPERWORK	ROWE, TORII #17074
E1700145888	10/6/2017 02:10	126	INSANE PERSON	CONTACT MADE, NO PAPERWORK	KING, MARCUS #17000
E1700147006	10/8/2017 05:10		INVESTIGATE UNKNOWN TROUBLE	ASSIST FIRE DEPARTMENT	ARMSTRONG, JONATHAN #16894
E1700147414	10/9/2017 02:10		SUBJ DISTURBING/HARASSING	CONTACT MADE, NO PAPERWORK	LANCASTER, BRAD #16906
E1700148078	10/10/2017 11:10	134	DEAD BODY	ASSIST FIRE DEPARTMENT	SANDOVAL, ANTHONY #17963
E1700148172	10/10/2017 15:10	280	TRESPASSING	CONTACT MADE, NO PAPERWORK	ALLOWAY, JEFFREY #15779

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E1700148284	10/10/2017 18:10	288	DV STRANGULATION	OFFENSE REPORT	SEIDL, ALLAN #16321
E1700149125	10/12/2017 11:10		POSSESSION OF DANGEROUS DRUGS	OFFENSE REPORT	SAUCEDA, MIGUEL #17774
E1700150785	10/15/2017 14:10		SUSPICIOUS PERSON/CIRCUMSTANCE	FIELD INTERVIEW CARD	MCCORT, KEVIN #16872
E1700155464	10/24/2017 07:10		FIELD CONTACT	CONTACT MADE, NO PAPERWORK	SANDOVAL, ANTHONY #17963
E1700157680	10/27/2017 22:10		INTENSIVE PATROL (PREVENTATIVE)	CONTACT MADE, NO PAPERWORK	BARGER, JUSTIN #15175
E1700157729	10/28/2017 00:10		INTENSIVE PATROL (PREVENTATIVE)	CONTACT MADE, NO PAPERWORK	BARGER, JUSTIN #15175
E1700157793	10/28/2017 04:10		INTENSIVE PATROL (PREVENTATIVE)	CONTACT MADE, NO PAPERWORK	BARGER, JUSTIN #15175
E1700158305	10/29/2017 02:10		SUSPICIOUS PERSON/CIRCUMSTANCE	CONTACT MADE, NO PAPERWORK	ARMSTRONG, JONATHAN #16894
E1700158430	10/29/2017 12:10		FIELD CONTACT	CONTACT MADE, NO PAPERWORK	JOHNSON, PHILLIP #12682
E1700158721	10/30/2017 00:10		INVESTIGATE UNKNOWN TROUBLE	CONTACT MADE, NO PAPERWORK	TURNER, MAXWELL #17430
E1700159502	10/31/2017 11:10	259	FAMILY FIGHT/DOMESTIC VIOLENCE	CONTACT MADE, NO PAPERWORK	HANEY, ANTHONY #9971
E1700159997	11/1/2017 09:11		RECOVERY OF VEHICLE	CONTACT MADE, NO PAPERWORK	CATUNA, BRYAN #17960
E1700160065	11/1/2017 11:11	141	FIELD CONTACT	CONTACT MADE, NO PAPERWORK	OSTIN, MICHAEL #8728
E1700160094	11/1/2017 12:11		ACCIDENT, NON-INJURY	ACCIDENT	SCHRAGEL, DAVID #15228
E1700160365	11/1/2017 21:11		FIELD CONTACT	CONTACT MADE, NO PAPERWORK	LEWIS, LEROY #15542
E1700160368	11/1/2017 21:11		SUSPICIOUS PERSON/CIRCUMSTANCE	CONTACT MADE, NO PAPERWORK	JOHNSTON, WILLIAM #8134
E1700160405	11/1/2017 22:11		POSSESSION OF DRUG PARAPHERNALIA	OFFENSE REPORT	PENROSE, JUSTIN #13709
E1700160458	11/2/2017 02:11		INTENSIVE PATROL (PREVENTATIVE)	CONTACT MADE, NO PAPERWORK	ARMSTRONG, JONATHAN #16894
E1700160697	11/2/2017 13:11		DRUG PARAPHERNALIA	FIELD INTERVIEW CARD	ATEN, BRIAN #15250
E1700160895	11/2/2017 20:11		SUSPICIOUS VEHICLE	CONTACT MADE, NO PAPERWORK	LINDSEY, MARK #15543
E1700160992	11/3/2017 02:11		INTENSIVE PATROL (PREVENTATIVE)	CONTACT MADE, NO PAPERWORK	ARMSTRONG, JONATHAN #16894
E1700161518	11/4/2017 01:11		DRUNK	CONTACT MADE, NO PAPERWORK	BARGER, JUSTIN #15175
E1700161551	11/4/2017 04:11		INTENSIVE PATROL (PREVENTATIVE)	CONTACT MADE, NO PAPERWORK	ARMSTRONG, JONATHAN #16894
E1700161730	11/4/2017 14:11		P.R. CONTACT	CONTACT MADE, NO PAPERWORK	DULANEY, MARCEL #16440

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E1700162228	11/5/2017 13:11	273	SUBJ DISTURBING/HARASSING	FIELD INTERVIEW CARD	JOHNSON, PHILLIP #12682
E1700162453	11/6/2017 00:11		TRESPASSING	FIELD INTERVIEW CARD	PENROSE, JUSTIN #13709
E1700163380	11/7/2017 15:11		INTENSIVE PATROL (PREVENTATIVE)	CONTACT MADE, NO PAPERWORK	CONNER, TIMOTHY #12880
E1700164079	11/8/2017 15:11		SUBJ DISTURBING/HARASSING	COMPL/ALARM COMPANY CALLED TO CANCEL	AHERN, JOSEPH #15122
E1700165412	11/11/2017 00:11		INTENSIVE PATROL (PREVENTATIVE)	CONTACT MADE, NO PAPERWORK	BARGER, JUSTIN #15175
E1700165473	11/11/2017 04:11		FIELD CONTACT	CONTACT MADE, NO PAPERWORK	CARROLL, JOSHUA #16003
E1700165562	11/11/2017 09:11	129	CHECK WELFARE	CONTACT MADE, NO PAPERWORK	HAEFFNER, SCOTT #13772
E1700166590	11/13/2017 14:11		INTENSIVE PATROL (PREVENTATIVE)	CONTACT MADE, NO PAPERWORK	CONNER, TIMOTHY #12880
E1700166786	11/13/2017 22:11		FIELD CONTACT	CONTACT MADE, NO PAPERWORK	ALLOWAY, JEFFREY #15779
E1700166833	11/14/2017 00:11		DISPLAYING FICTITIOUS PLATES	OFFENSE REPORT	VALENZUELA, PATRICK #12094
E1700166921	11/14/2017 07:11		RECOVERED STOLEN VEHICLE FOJ	OFFENSE REPORT	JOHNSON, PHILLIP #12682
E1700167106	11/14/2017 13:11		WAGON WANTED	CONTACT MADE, NO PAPERWORK	BAH, BOUBACAR #17818
E1700167126	11/14/2017 13:11		FELONY WARRANT OUTSTANDING	FIELD INTERVIEW CARD	CONNER, TIMOTHY #12880
E1700167300	11/14/2017 17:11		SUBJ DISTURBING/HARASSING	CONTACT MADE, NO PAPERWORK	STANFIELD, BRIAN #10239
E1700167465	11/14/2017 23:11		SUSPICIOUS VEHICLE	CONTACT MADE, NO PAPERWORK	PENROSE, JUSTIN #13709
E1700168100	11/16/2017 04:11		INTENSIVE PATROL (PREVENTATIVE)	CONTACT MADE, NO PAPERWORK	ARMSTRONG, JONATHAN #16894
E1700168125	11/16/2017 06:11		SUBJ DISTURBING/HARASSING	CONTACT MADE, NO PAPERWORK	BARGER, JUSTIN #15175
E1700168739	11/17/2017 04:11		SUBJ DISTURBING/HARASSING	CONTACT MADE, NO PAPERWORK	BARGER, JUSTIN #15175
E1700168862	11/17/2017 10:11		RECOVERY OF VEHICLE	CONTACT MADE, NO PAPERWORK	JONES, JASON #14688
E1700169747	11/18/2017 23:11		SUSPICIOUS VEHICLE	CONTACT MADE, NO PAPERWORK	LANCASTER, BRAD #16906
E1700169833	11/19/2017 03:11		INTENSIVE PATROL (PREVENTATIVE)	CONTACT MADE, NO PAPERWORK	BARGER, JUSTIN #15175
E1700171637	11/22/2017 08:11		INTENSIVE PATROL (PREVENTATIVE)	CONTACT MADE, NO PAPERWORK	CONNER, TIMOTHY #12880
E1700172061	11/23/2017 00:11		CRIMINAL TRAFFIC VIOLATION	FIELD INTERVIEW CARD	VALENZUELA, PATRICK #12094

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E1700173606	11/26/2017 08:11		FIELD CONTACT	FIELD INTERVIEW CARD	JOHNSON, PHILLIP #12682
E1700173671	11/26/2017 11:11		TRESPASSING	FIELD INTERVIEW CARD	JOHNSON, PHILLIP #12682
E1700175118	11/28/2017 22:11		SUBJECT WITH A GUN	CONTACT MADE, NO PAPERWORK	LANCASTER, BRAD #16906
E1700175134	11/28/2017 23:11		TRAFFIC STOP	CONTACT MADE, NO PAPERWORK	PENROSE, JUSTIN #13709
E1700176008	11/30/2017 14:11	127	TRESPASSING	FIELD INTERVIEW CARD	DOE, JOHN #13263
E1700176013	11/30/2017 14:11		TRESPASSING	DUPLICATE CALL RECEIVED	HAEFFNER, SCOTT #13772
E1700176311	12/1/2017 02:12		INTENSIVE PATROL (PREVENTATIVE)	CONTACT MADE, NO PAPERWORK	BARGER, JUSTIN #15175
E1700176340	12/1/2017 05:12		INTENSIVE PATROL (PREVENTATIVE)	CONTACT MADE, NO PAPERWORK	ARMSTRONG, JONATHAN #16894
E1700176654	12/1/2017 17:12	272	FAMILY FIGHT/DOMESTIC VIOLENCE	CONTACT MADE, NO PAPERWORK	EGOIAN, JACK #15609
E1700176898	12/2/2017 02:12		INTENSIVE PATROL (PREVENTATIVE)	CONTACT MADE, NO PAPERWORK	BARGER, JUSTIN #15175
E1700177394	12/3/2017 02:12		INTENSIVE PATROL (PREVENTATIVE)	CONTACT MADE, NO PAPERWORK	ARMSTRONG, JONATHAN #16894
E1700177885	12/4/2017 00:12		FIELD CONTACT	CONTACT MADE, NO PAPERWORK	PENROSE, JUSTIN #13709
E1700178980	12/5/2017 23:12		POSSESSION OF DRUG PARAPHENALIA	OFFENSE REPORT	PENROSE, JUSTIN #13709
E1700179412	12/6/2017 17:12		SUBJ DISTURBING/HARASSING	CONTACT MADE, NO PAPERWORK	BOUSMAN, RACHAEL #9897
E1700179591	12/7/2017 01:12		SUSPICIOUS VEHICLE	CONTACT MADE, NO PAPERWORK	ZYGMONT, WESLEY #11372
E1700179615	12/7/2017 03:12		INTENSIVE PATROL (PREVENTATIVE)	CONTACT MADE, NO PAPERWORK	ARMSTRONG, JONATHAN #16894
E1700179992	12/7/2017 17:12		CHECK WELFARE	UNABLE TO LOCATE	EGOIAN, JACK #15609
E1700180217	12/8/2017 04:12		INTENSIVE PATROL (PREVENTATIVE)	NO ACTION	BARGER, JUSTIN #15175
E1700180790	12/9/2017 04:12		INTENSIVE PATROL (PREVENTATIVE)	CONTACT MADE, NO PAPERWORK	BARGER, JUSTIN #15175
E1700181043	12/9/2017 16:12		DRUGS	FIELD INTERVIEW CARD	ELKHANNOUSSI, BADR #16856
E1700181206	12/9/2017 21:12	524	CHECK WELFARE	CONTACT MADE, NO PAPERWORK	ELKHANNOUSSI, BADR #16856
E1700181585	12/10/2017 14:12	6	TRESPASSING	CONTACT MADE, NO PAPERWORK	JOHNSON, PHILLIP #12682
E1700182409	12/12/2017 01:12		SUSPICIOUS VEHICLE	CONTACT MADE, NO PAPERWORK	LOESCHER, NATHAN #13411

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E1700183040	12/13/2017 06:12		INTENSIVE PATROL (PREVENTATIVE)	CONTACT MADE, NO PAPERWORK	CONNER, TIMOTHY #12880
E1700183345	12/13/2017 18:12	116	FRAUD	CONTACT MADE, NO PAPERWORK	STANFIELD, BRIAN #10239
E1700184055	12/15/2017 01:12		INTENSIVE PATROL (PREVENTATIVE)	CONTACT MADE, NO PAPERWORK	BRILL, JOSHUA #16583
E1700184073	12/15/2017 02:12		INTENSIVE PATROL (PREVENTATIVE)	CONTACT MADE, NO PAPERWORK	ARMSTRONG, JONATHAN #16894
E1700185627	12/18/2017 07:12		INTENSIVE PATROL (PREVENTATIVE)	CONTACT MADE, NO PAPERWORK	CONNER, TIMOTHY #12880
E1700186329	12/19/2017 10:12	122	INJURED OR SICK PERSON	ASSIST FIRE DEPARTMENT	HUBBUCH, JAMISON #12524
E1700186374	12/19/2017 12:12		DOG SEIZURE	OFFENSE REPORT	JOHNSON, PHILLIP #12682
E1700187047	12/20/2017 16:12		SUSPICIOUS VEHICLE	CONTACT MADE, NO PAPERWORK	LINDSEY, MARK #15543
E1700187134	12/20/2017 19:12		FIELD CONTACT	CONTACT MADE, NO PAPERWORK	PITTMAN, JEFFREY #12718
E1700187145	12/20/2017 19:12		DV ASSAULT	OFFENSE REPORT	DULANEY, MARCEL #16440
E1700187806	12/22/2017 03:12		INTENSIVE PATROL (PREVENTATIVE)	CONTACT MADE, NO PAPERWORK	ARMSTRONG, JONATHAN #16894
E1700188103	12/22/2017 15:12		TRESPASSING	CONTACT MADE, NO PAPERWORK	ELKHANNOUSSI, BADR #16856
E1700189395	12/25/2017 08:12		INTENSIVE PATROL (PREVENTATIVE)	CONTACT MADE, NO PAPERWORK	ANDERSON, BRYAN #11307
E1700189512	12/25/2017 16:12		SUSPICIOUS PERSON/CIRCUMSTANCE	CONTACT MADE, NO PAPERWORK	MCCORT, KEVIN #16872
E1700189831	12/26/2017 13:12		INTENSIVE PATROL (PREVENTATIVE)	CONTACT MADE, NO PAPERWORK	ANDERSON, BRYAN #11307
E1700190178	12/27/2017 07:12		INTENSIVE PATROL (PREVENTATIVE)	CONTACT MADE, NO PAPERWORK	ANDERSON, BRYAN #11307
E1700190201	12/27/2017 07:12		INTENSIVE PATROL (PREVENTATIVE)	CONTACT MADE, NO PAPERWORK	CONNER, TIMOTHY #12880
E1700190382	12/27/2017 14:12		FIELD CONTACT	FIELD INTERVIEW CARD	JOHNSON, PHILLIP #12682
E1700190423	12/27/2017 15:12	126	P.R. CONTACT	CONTACT MADE, NO PAPERWORK	SEIDL, ALLAN #16321
E1700190636	12/28/2017 03:12		INTENSIVE PATROL (PREVENTATIVE)	CONTACT MADE, NO PAPERWORK	BARGER, JUSTIN #15175
E1700190775	12/28/2017 10:12		INTENSIVE PATROL (PREVENTATIVE)	CONTACT MADE, NO PAPERWORK	ANDERSON, BRYAN #11307
E1700190926	12/28/2017 14:12		INTENSIVE PATROL (PREVENTATIVE)	CONTACT MADE, NO PAPERWORK	ATEN, BRIAN #15250
E1700191408	12/29/2017 14:12		FELONY WARRANT OUTSTANDING	FIELD INTERVIEW NRU	COLLINS, SCOTT #15178

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E1700191644	12/29/2017 22:12		SUSPICIOUS PERSON/CIRCUMSTANCE	CONTACT MADE, NO PAPERWORK	BARGER, JUSTIN #15175
E1700191759	12/30/2017 02:12		INTENSIVE PATROL (PREVENTATIVE)	CONTACT MADE, NO PAPERWORK	BARGER, JUSTIN #15175
E1700191987	12/30/2017 15:12	126	TRESPASSING	CONTACT MADE, NO PAPERWORK	DULANEY, MARCEL #16440
E1700192128	12/30/2017 20:12	217	SUSPICIOUS PERSON/CIRCUMSTANCE	CONTACT MADE, NO PAPERWORK	SALYERS, MATTHEW #17073
E1700192155	12/30/2017 21:12	275	P.R. CONTACT	CONTACT MADE, NO PAPERWORK	SALYERS, MATTHEW #17073
E1700192217	12/30/2017 23:12		SUSPICIOUS PERSON/CIRCUMSTANCE	FIELD INTERVIEW CARD	HUNT, DOUGLAS #14322
E1700192270	12/31/2017 01:12		SUSPICIOUS VEHICLE	CONTACT MADE, NO PAPERWORK	LANCASTER, BRAD #16906
E1700192273	12/31/2017 02:12		INTENSIVE PATROL (PREVENTATIVE)	CONTACT MADE, NO PAPERWORK	ARMSTRONG, JONATHAN #16894
E1700192315	12/31/2017 06:12		TRAFFIC STOP	CONTACT MADE, NO PAPERWORK	SCHNEIDER, MATTHEW #12251

Incident Reports

Incident	Date Time	Apt	Primary Offense	Officer
I16002867	1/6/2016 22:01	138		LARSEN, KRISTOPHER #16907
I16005426	1/13/2016 02:01		THEFT-MEANS OF TRANSPORTATION	MCLEOD, BRET #11368
I16007020	1/16/2016 11:01		THEFT/ALL OTHERS OVER \$250	MISNER, GERALD #15179
I16009755	1/22/2016 01:01		DANGEROUS DRUG-POSS/USE	YATES, AADAM #13508
I16012135	1/26/2016 22:01		THEFT/ALL OTHERS \$50--\$249	RAMSAY, JUSTIN #15093
I16012977	1/28/2016 12:01			HUBBUCH, JAMISON #12524
I16014347	1/30/2016 00:01		THEFT/ALL OTHERS OVER \$250	GELLMAN, RACHEL #14572
I16019851	2/10/2016 22:02		DUI-LIQUOR/DRUGS/VAPORS/COMBO	SMITH, JARROD #13699
I16020702	2/12/2016 11:02		MARIJUANA-POSSESS/USE	PITTMAN, JEFFREY #12718
I16020704	2/12/2016 11:02		DANGEROUS DRUG-POSS/USE	SCHNEIDER, MATTHEW #12251
I16022744	2/16/2016 15:02		THEFT/ALL OTHERS OVER \$250	TURSKI, CHRISTOPHER #14529
I16022862	2/16/2016 19:02		ASSAULT-INTENT/RECKLESS/INJURE	CARFAGNA, NICOLINO #15252

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I16026235	2/22/2016 00:02	124	THEFT/ALL OTHERS OVER \$250	LIVINGSTON, JENNIFER #12223
I16030320	3/1/2016 23:03		NARCOTIC DRUG-POSSESS/USE	BASTIN, CHRISTOPHER #16581
I16030337	3/1/2016 23:03		POSS WPN BY PROHIB PERSON	YATES, AADAM #13508
I16033599	3/7/2016 16:03	293		KULB, STEVEN #12430
I16034220	3/9/2016 15:03		MARIJUANA-POSSESS/USE	FERNANDEZ, MICHAEL #15225
I16035657	3/12/2016 00:03			COLLINS, SCOTT #15178
I16037720	3/16/2016 08:03		CRIMINAL DAMAGE-DEFACE	KULB, STEVEN #12430
I16039281	3/18/2016 22:03	121	ASSAULT-TOUCHED TO INJURE	SINGER, ELAINE #10643
I16043810	3/28/2016 03:03		DRUG PARAPHERNALIA-POSSESS/USE	HUNTER, KEITH #16887
I16044282	3/28/2016 22:03	137	DISORDERLY CONDUCT-FIGHTING	FAIR, LANCE #16781
I16050921	4/10/2016 19:04		DANGEROUS DRUG-POSS/USE	ATEN, BRIAN #15250
I16051057	4/11/2016 01:04		CARRY WPN-COMMISION FELONY CRM	PEREZ, DANIEL #16909
I16051601	4/11/2016 18:04			ZARAGOZA, SAMANTHA #13340
I16052552	4/13/2016 09:04	112		LARSEN, KRISTOPHER #16907
I16052736	4/14/2016 07:04		UNLAW MEANS TRANSP-PASSENGER	MCLEOD, BRET #11368
I16063360	5/3/2016 15:05			ATEN, BRIAN #15250
I16066239	5/9/2016 05:05		ASSAULT-INTENT/RECKLESS/INJURE	CLUBB, JONATHAN #16439
I16068340	5/12/2016 23:05			KUEFER, WESLEY #16905
I16072788	5/21/2016 19:05		CRIMINAL DAMAGE-DEFACE	RATLIFF, TREVOR #17222
I16077415	5/30/2016 20:05		DISORDERLY CONDUCT-FIGHTING	ATEN, BRIAN #15250
I16080145	6/4/2016 18:06		CRIMINAL DAMAGE-DEFACE	LARSEN, KRISTOPHER #16907
I16084407	6/13/2016 11:06			JONES, JASON #14688
I16088860	6/21/2016 22:06	131	AA/DEADLY WEAPON/BODILY FORCE	FAIR, LANCE #16781
I16089354	6/22/2016 17:06		NARCOTIC DRUG-POSSESS/USE	LEWIS, LEROY #15542

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I16090013	6/23/2016 18:06	140		LARSEN, KRISTOPHER #16907
I16090188	6/24/2016 07:06		THEFT-MEANS OF TRANSPORTATION	MCLEOD, BRET #11368
I16092645	6/29/2016 03:06		NARCOTIC DRUG-POSSESS/USE	BRILL, JOSHUA #16583
I16096702	7/6/2016 14:07		MARIJUANA-POSSESS/USE	DAVIDGE, JOHN #15637
I16099316	7/11/2016 23:07			ROWE, TORII #17074
I16099696	7/12/2016 16:07	277	DANGEROUS DRUG-POSS/USE	TOLBERT, LACEY #13338
I16100208	7/6/2016 15:07		THEFT/ALL OTHERS UNDER \$50	DIRKS, SHAWN #13103
I16102244	7/17/2016 13:07	118	THEFT/FROM BUILDING UNDER \$50	MISNER, GERALD #15179
I16105875	7/25/2016 04:07		THEFT-MEANS OF TRANSPORTATION	CLUBB, JONATHAN #16439
I16106904	7/27/2016 04:07		DANGEROUS DRUG-POSS/USE	ANDERSON, BRYAN #11307
I16107893	7/28/2016 21:07		DANGEROUS DRUG-POSS/USE	SCHNEIDER, MATTHEW #12251
I16108025	7/29/2016 05:07	287	THEFT/ALL OTHERS OVER \$250	SORENSEN, ERIK #16783
I16108219	7/29/2016 14:07		NARCOTIC DRUG-POSSESS/USE	PITTMAN, JEFFREY #12718
I16110391	8/2/2016 21:08		MARIJUANA-POSSESS/USE	SCHNEIDER, MATTHEW #12251
I16112371	8/6/2016 18:08		AGG ASSULT DISFIGURES/IMPARES	QUEENAN, JOEL #16320
I16116588	8/15/2016 05:08		THEFT-MEANS OF TRANSPORTATION	MCLEOD, BRET #11368
I16117898	8/17/2016 14:08	125	DANGEROUS DRUG-POSS/USE	SCHNEIDER, MATTHEW #12251
I16118348	8/18/2016 11:08			COKING, JAMES #6897
I16126328	9/2/2016 02:09			CARROLL, JOSHUA #16003
I16129100	9/7/2016 20:09		DANGEROUS DRUG-POSS/USE	LA BRANT, DONALD #8917
I16130231	9/9/2016 19:09		DANGEROUS DRUG-POSS/USE	SCHNEIDER, MATTHEW #12251
I16132246	9/13/2016 17:09	137	THREAT-INTIM W/INJ-DMGE PROP	SMITH, ALISSANDRA #16910
I16135811	9/20/2016 10:09		THEFT-MEANS OF TRANSPORTATION	MCLEOD, BRET #11368
I16136074	9/20/2016 20:09		POSS WPN BY PROHIB PERSON	PITTMAN, JEFFREY #12718

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I16141023	9/29/2016 19:09		DANGEROUS DRUG-POSS/USE	SCHNEIDER, MATTHEW #12251
I16141462	9/30/2016 17:09	275	UNLAWFUL IMPRISONMENT	QUEENAN, JOEL #16320
I16145488	10/8/2016 16:10			SEIDL, ALLAN #16321
I16148344	10/14/2016 02:10	138	NARCOTIC DRUG-POSSESS/USE	COLLINS, SCOTT #15178
I16149916	10/17/2016 13:10		NARC DRUG-POSSESS OR SELL	CANO, ANTHONY #12534
I16150663	10/18/2016 20:10		DANGEROUS DRUG-POSS/USE	SCHNEIDER, MATTHEW #12251
I16151438	10/20/2016 06:10		ASSAULT-INTENT/RECKLESS/INJURE	REYNOLDS, BRIAN #13324
I16153539	10/24/2016 14:10			ZYGMONT, WESLEY #11372
I16154193	10/25/2016 19:10		CRIM TRESP 3RD DEG/PROPERTY	ATEN, BRIAN #15250
I16156374	10/30/2016 01:10	279	OBSTRUCTION-REFUSE TRUE NAME	COLLINS, SCOTT #15178
I16156690	10/30/2016 19:10		DANGEROUS DRUG-POSS/USE	ATEN, BRIAN #15250
I16157308	11/1/2016 07:11		DANGEROUS DRUG-POSS/USE	CONNER, TIMOTHY #12880
I16158649	10/31/2016 21:10	124	AGG ASLT - IMPEDE BREATHING	REBHOLZ, JOHN #12374
I16160299	11/7/2016 01:11			FELDER, SYLVIA #17297
I16162194	11/10/2016 19:11		DRUG PARAPHERNALIA-POSSESS/USE	SCHNEIDER, MATTHEW #12251
I16171335	11/29/2016 19:11		BURGLARY 3RD DEGREE	SMITH, ALISSANDRA #16910
I16174879	12/7/2016 03:12		DRIVE W/LIC SUSP/REVOKE/CANC	GALLAGHER, BRIAN #14243
I16178909	12/11/2016 10:12		FRAUDULENT USE OF CREDIT CARD	KLINE, JASON #17523
I16179791	12/16/2016 23:12		POSS WPN BY PROHIB PERSON	CARROLL, JOSHUA #16003
I16180334	12/18/2016 03:12		CRIM TRESP 3RD DEG/PROPERTY	FELDER, SYLVIA #17297
I16182746	12/22/2016 21:12		DRUG PARAPHERNALIA-POSSESS/USE	SCHNEIDER, MATTHEW #12251
I16183496	12/24/2016 13:12		CRIMINAL DAMAGE-DEFACE	SAYLOR, JAMES #16782
I16183503	12/24/2016 13:12			SPIWAK, ADAM #15729
I16183530	12/24/2016 15:12	274	MARIJUANA-POSSESS/USE	SAYLOR, JAMES #16782
I16183616	12/24/2016 20:12			SALYERS, MATTHEW #17073

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I16185953	12/28/2016 11:12			, ON LINE REPORT #30
I16186805	12/31/2016 09:12	272	OBSTRUCTION-REFUSE TRUE NAME	KLINE, JASON #17523
I17000142	1/1/2017 03:01	130	ASSAULT-INTENT/RECKLESS/INJURE	BROYLES, JOSHUA #16871
I17001613	1/4/2017 11:01		PROSTITUTION	COKING, JAMES #6897
I17001634	1/4/2017 11:01		PROSTITUTION	COKING, JAMES #6897
I17001687	1/4/2017 13:01		PROSTITUTION	COKING, JAMES #6897
I17001872	1/4/2017 20:01		CARRY DEADLY WPN-FAIL TO ADMIT	QUEENAN, JOEL #16320
I17010196	1/21/2017 19:01	250	MISSING JUVENILE	HAEFFNER, SCOTT #13772
I17012596	1/26/2017 12:01		PROSTITUTION	COKING, JAMES #6897
I17012638	1/26/2017 13:01		PROSTITUTION	COKING, JAMES #6897
I17013385	1/22/2017 00:01		UNLAW MEANS TRANSP-PASSENGER	HANSEN, KYLE #17522
I17019940	2/9/2017 14:02		DANGEROUS DRUG-POSS/USE	SCHNEIDER, MATTHEW #12251
I17024059	2/17/2017 06:02		NARCOTIC DRUG-POSSESS/USE	SCHNEIDER, MATTHEW #12251
I17026807	2/22/2017 14:02		THEFT/CONTROLS KNOWING STOLEN	PITTMAN, JEFFREY #12718
I17028093	2/24/2017 17:02		MARIJUANA-POSSESS/USE	PITTMAN, JEFFREY #12718
I17030610	3/1/2017 01:03		THEFT/ALL OTHERS OVER \$250	VENERACION, RODRIGO #14403
I17032865	3/6/2017 02:03		MARIJUANA-POSSESS/USE	FELDER, SYLVIA #17297
I17033715	3/7/2017 16:03		DANGEROUS DRUG-POSS/USE	TOLBERT, LACEY #13338
I17034056	3/8/2017 09:03		MARIJUANA-POSSESS/USE	SCHNEIDER, MATTHEW #12251
I17034682	3/9/2017 08:03		CRIMINAL DAMAGE-DEFACE	CANO, ANTHONY #12534
I17044801	3/29/2017 02:03			HAJEK, JAMES #15007
I17048405	4/4/2017 20:04			ATEN, BRIAN #15250
I17052749	4/12/2017 17:04			MARTINEZ, FRANCISCO #17707
I17055889	4/18/2017 18:04		DANGEROUS DRUG-POSS/USE	ATEN, BRIAN #15250

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I17056176	4/19/2017 10:04		PROSTITUTION	COKING, JAMES #6897
I17057945	4/22/2017 22:04		NARCOTIC DRUG-POSSESS/USE	BROYLES, JOSHUA #16871
I17058159	4/23/2017 10:04			JOHNSON, PHILLIP #12682
I17061499	4/29/2017 16:04		ASSAULT-TOUCHED TO INJURE	HAEFFNER, SCOTT #13772
I17064023	5/4/2017 13:05	132	CRIMINAL TRESPASS 2ND DEG	QUEENAN, JOEL #16320
I17065513	5/6/2017 18:05		DEAD BODY/UNATTENDED DEATH	DOERR, GLENN #15123
I17066555	5/9/2017 16:05		NARCOTIC DRUG-POSSESS FOR SALE	SCHNEIDER, MATTHEW #12251
I17067781	5/11/2017 21:05		CRIM TRESP 3RD DEG/PROPERTY	QUEENAN, JOEL #16320
I17069384	5/15/2017 07:05			JOHNSON, PHILLIP #12682
I17071756	5/19/2017 11:05		OBSTR GOVT OPERNS-PUB SERVANT	ESH, WILLIAM #15006
I17071791	5/19/2017 12:05	282	DANGEROUS DRUG-POSS/USE	SCHNEIDER, MATTHEW #12251
I17072799	5/21/2017 18:05		ASSAULT-INTENT/RECKLESS/INJURE	BAXTER, CODY #17638
I17073110	5/9/2017 15:05			CONNER, TIMOTHY #12880
I17075023	5/25/2017 18:05	129	AGG ASLT - IMPEDE BREATHING	MABRY, MITCHELL #16908
I17078684	6/1/2017 00:06			COLLINS, SCOTT #15178
I17081829	6/7/2017 01:06		THEFT/ALL OTHERS OVER \$250	MARTINEZ, FRANCISCO #17707
I17082333	6/7/2017 23:06	275	ATTEMPTED SUICIDE	ANSELL, DYLAN #17089
I17082908	6/9/2017 02:06		FALSE REPORT TO LAW ENFORCE	COLLINS, SCOTT #15178
I17086235	6/4/2017 23:06		FRAUDULENT SCHEMES/ARTIFICES	NICHOLAS, CODY #16998
I17087595	6/18/2017 02:06		THEFT/ALL OTHERS OVER \$250	HALLIER, ERIC #17503
I17089424	6/21/2017 20:06		DANGEROUS DRUG-POSS/USE	TOLBERT, LACEY #13338
I17092762	6/28/2017 08:06		THEFT-MEANS OF TRANSPORTATION	POCKNELL, THOMAS #13787
I17093564	6/29/2017 21:06		DISORDERLY CONDUCT-FIGHTING	ANSELL, DYLAN #17089
I17096728	7/5/2017 22:07		THREAT-INTIM W/INJ-DMGE PROP	COLLINS, SCOTT #15178

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I17100751	7/13/2017 18:07	126	NARCOTIC DRUG-POSSESS/USE	QUEENAN, JOEL #16320
I17102265	7/16/2017 15:07		UNLAW FLIGHT FROM LAW ENF VEH	ATEN, BRIAN #15250
I17103400	7/18/2017 21:07		DANGEROUS DRUG-POSS/USE	TOLBERT, LACEY #13338
I17104998	7/21/2017 23:07		AGG ASLT-OFFICER	COLLINS, SCOTT #15178
I17107320	7/26/2017 19:07		AGG ASLT-OFFICER	LEWIS, LEROY #15542
I17111682	8/4/2017 14:08		ASSAULT-INTENT/RECKLESS/INJURE	PITTMAN, JEFFREY #12718
I17115486	8/11/2017 13:08	272	NARCOTIC DRUG-POSSESS/USE	COLLINS, SCOTT #15178
I17118043	8/13/2017 00:08		THEFT CREDIT CARD-CONTROL	JOHNSON, PHILLIP #12682
I17121783	8/23/2017 01:08	291	NARCOTIC DRUG-POSSESS/USE	PENROSE, JUSTIN #13709
I17129175	9/5/2017 13:09	136	DEAD BODY/UNATTENDED DEATH	ANDERSON, BRYAN #11307
I17130964	9/8/2017 11:09			COMPARAN, GILBERTO #10594
I17132931	9/12/2017 01:09		DRUG PARAPHERNALIA-POSSESS/USE	FAIR, LANCE #16781
I17133994	9/13/2017 14:09	272	MARIJUANA-POSSESS/USE	PITTMAN, JEFFREY #12718
I17135638	9/16/2017 11:09			CONTRERAS, MICHAEL #14242
I17136974	9/18/2017 22:09		DANGEROUS DRUG-POSS/USE	PENROSE, JUSTIN #13709
I17139740	9/24/2017 03:09		LIQUOR-POSS OPEN CONT IN VEH	FAIR, LANCE #16781
I17143447	10/1/2017 10:10	282	ASSAULT-INTENT/RECKLESS/INJURE	JOHNSON, PHILLIP #12682
I17148284	10/10/2017 18:10	288	AGG ASLT - IMPEDE BREATHING	SEIDL, ALLAN #16321
I17149125	10/12/2017 11:10		DANGEROUS DRUG-POSS/USE	ANDERSON, BRYAN #11307
I17160047	11/1/2017 10:11		DANGEROUS DRUG-POSS/USE	POCKNELL, THOMAS #13787
I17160405	11/1/2017 22:11		DRUG PARAPHERNALIA-POSSESS/USE	PENROSE, JUSTIN #13709
I17166833	11/14/2017 00:11		KNOWINGLY DISPLAY FLS LIC PLT	VALENZUELA, PATRICK #12094
I17166921	11/14/2017 07:11		UNLAW MEANS TRANSP-PASSENGER	JOHNSON, PHILLIP #12682
I17168939	11/17/2017 09:11		THEFT/ALL OTHERS UNDER \$50	DOE, JOHN #13263
I17178980	12/5/2017 23:12		DRUG PARAPHERNALIA-POSSESS/USE	PENROSE, JUSTIN #13709

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I17186374	12/19/2017 12:12	276		JOHNSON, PHILLIP #12682
I17187145	12/20/2017 17:12	293	ASSAULT-INTENT/RECKLESS/INJURE	DULANEY, MARCEL #16440
I18001446	12/20/2017 00:12		TAKING IDENTITY OF ANOTHER	MCCORT, KEVIN #16872

Field Interviews

FI	Date Time	Apt	Contact Type	Officer
F1601571700 1	2/3/2016 07:02			KING, MARCUS #17000
F1601862100 1	2/9/2016 09:02			ROOKS, JORDAN #17143
F1601975000 1	2/11/2016 15:02			SMITH, ALISSANDRA #16910
F1603850700 1	3/17/2016 17:03			PITTMAN, JEFFREY #12718
F1604421500 1	3/29/2016 05:03	137		FAIR, LANCE #16781
F1605115900 1	4/12/2016 05:04			BASTIN, CHRISTOPHER #16581
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F17190382001	12/27/2017 14:12			JOHNSON, PHILLIP #12682
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Accident Reports

Accident	Date Time	Apt	Officer
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6/4/2019 9:46:20 AM

EXHIBIT 4

1

IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE DISTRICT OF ARIZONA

Johnny Wheatcroft and Anya)
Chapman, as husband and wife,)
on behalf of minors J.W. and B.W.,)
) Case No.:
Plaintiffs,) 2:18-cv-02347-SMB

vs.)

City of Glendale, a municipal)
entity; Matt Schneider, in his)
official and individual)
capacities; Mark Lindsey, in his)
official and individual)
capacities; and Michael Fernandez,)
in his official and individual)
capacities,)

Defendants.)

DEPOSITION OF OFFICER MARK JOSEPH LINDSEY

Chandler, Arizona
June 5, 2019
10:00 a.m.

REPORTED BY:
MONICA S. BERRY, RPR
Certified Reporter
Certificate No. 50234

PREPARED FOR:

(COPY)

3

DEPOSITION OF OFFICER MARK JOSEPH LINDSEY
was taken on June 5, 2019, commencing at 10:00 a.m. at the
law offices of MARC J. VICTOR, P.C., ATTORNEYS FOR
FREEDOM, 3185 South Price Road, Chandler, Arizona, before
MONICA S. BERRY, RPR, a Certified Reporter in the State of
Arizona.

COUNSEL APPEARING:

MARC J. VICTOR, P.C.
ATTORNEYS FOR FREEDOM
By: MS. JODY L. BROADDUS
3185 South Price Road
Chandler, Arizona 85248
On behalf of Plaintiffs

JONES, SKELTON & HOCHULI, P.L.C.

By: MR. JOSEPH J. POPOLIZIO
40 North Central Avenue
Suite 2700
Phoenix, Arizona 85004
On behalf of Defendants

ALSO PRESENT:

Ms. Kathy Thomas and Ms. Hillary Zagara, Glendale
Risk Management
Ms. Julie Wanner, paralegal to Mr. Popolizio
Ms. Alexz Thompson, paralegal to Ms. Broaddus

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I N D E X

WITNESS PAGE
OFFICER MARK JOSEPH LINDSEY

EXAMINATION BY MS. BROADDUS 4
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FURTHER EXAMINATION BY MR. POPOLIZIO 263
FURTHER EXAMINATION BY MS. BROADDUS 270

E X H I B I T S

Deposition

Exhibits Description Marked
10 10 Arizona Peace Officer Standards and 45
Training Board, Courtroom Testimony
and Pretrial Interviews in Child
Abuse Cases course, Bates No.
CoG_WHEATCROFT 003228
(1 page)

11 Certificate of Completion, Bates 45
No. CoG_WHEATCROFT 003234
(1 page)

12 Glendale Police Department General 106
Order, Bates Nos. CoG_WHEATCROFT
001764-001770 (7 pages)

13 Glendale Police Department General 121
Order, Bates Nos. CoG_WHEATCROFT
001771-001779 (9 pages)

14 Google map (1 page) 146

15 Hand drawn diagram (1 page) 167

16 Taser Pulse Log Evaluation, Bates 231
Nos. CoG_WHEATCROFT 001670-001674
(5 pages)

17 AXON Taser report, Bates No. 231
CoG_WHEATCROFT 001231 (1 page)

4

OFFICER MARK JOSEPH LINDSEY,
a witness herein, having been first duly sworn by the
Certified Reporter to speak the truth and nothing but the
truth, was examined and testified as follows:

EXAMINATION

BY MS. BROADDUS:

Q. Please state your full name for the record.

A. Mark Joseph Lindsey.

Q. Have you had your deposition taken before?

**A. I have not been through a full deposition like
this before, no, ma'am.**

Q. I'm going to go through some ground rules. I'm
sure your attorney's spoken to you, but --

A. Uh-huh.

Q. -- I don't want to get into what he says, but --

A. Absolutely.

Q. -- just a few things. Number one is the court
reporter is going to be taking down everything that's said
in the room.

A. Uh-huh.

Q. And to make sure that we're all on the same page
and to make her job a lot easier, we'll have only one
person speak at a time. Do you understand?

A. I do.

<p style="text-align: right;">5</p> <p>1 Q. Another thing is, in normal conversation, which a</p> <p>2 lot of times these depositions seem like they're normal</p> <p>3 conversation, we're still in a court proceeding. You're</p> <p>4 under oath --</p> <p>5 A. Uh-huh.</p> <p>6 Q. -- obligated to testify truthfully. Do you</p> <p>7 understand that?</p> <p>8 A. I do.</p> <p>9 Q. And also, because she is taking everything down</p> <p>10 that's said, sometimes things -- I see and understand what</p> <p>11 you're saying with a nod of the head or an uh-huh or an</p> <p>12 huh-uh, but those don't come out very clear when I try to</p> <p>13 read the transcript later. So if that happens, I'm not</p> <p>14 trying to be rude. I'll just ask you to clarify your</p> <p>15 answer so we have a clear record. Okay?</p> <p>16 A. Absolutely.</p> <p>17 Q. The next thing is if you don't understand one of</p> <p>18 my questions, let me know, and I'll try and rephrase it or</p> <p>19 make it an understandable question, but attorneys do ask</p> <p>20 stupid questions. It's just a matter of how we do things</p> <p>21 sometimes. Okay?</p> <p>22 A. Okay.</p> <p>23 Q. Your attorney's going to be making objections for</p> <p>24 the record, and you're still going to answer the question</p> <p>25 even though he may make an objection unless he tells you</p>	<p style="text-align: right;">7</p> <p>1 stepdaughter just turned 28, and I have a stepson who is</p> <p>2 34.</p> <p>3 Q. Do any of the children live with you?</p> <p>4 A. My biological daughter just moved back in. She</p> <p>5 was attending Grand Canyon University; just graduated, so</p> <p>6 she's temporarily back home until she finds her own place.</p> <p>7 Q. She graduated?</p> <p>8 A. Yes, absolutely.</p> <p>9 Q. All right. What kinds of things do you like to</p> <p>10 do for fun?</p> <p>11 A. I exercise. I'm very active. I do a lot of</p> <p>12 training. I participate in races such as Ironmans and</p> <p>13 triathlons and everything else like that. My relaxation</p> <p>14 time is probably golf. I like to get out on the course</p> <p>15 and golf and just get away for a little bit.</p> <p>16 Q. Understandably. Do you like to take vacations?</p> <p>17 A. I do, yep.</p> <p>18 Q. What is your educational background?</p> <p>19 A. I attended community college here in the Valley.</p> <p>20 I did attend ASU. My major was at that time education.</p> <p>21 My senior year I switched my majors to business to find</p> <p>22 out that all of my credits weren't going to transfer. So</p> <p>23 I do have college credit, but I do not have a college</p> <p>24 degree.</p> <p>25 Q. Did you get a degree from the community college?</p>
<p style="text-align: right;">6</p> <p>1 not to answer. Okay?</p> <p>2 A. Okay.</p> <p>3 Q. And you're doing a good job, like I said, with</p> <p>4 all the verbal responses and making sure one person speaks</p> <p>5 at a time. You're going to be able to anticipate some of</p> <p>6 my questions or what I'm going to say, but I'm going to</p> <p>7 ask that you wait until I'm finished completely with my</p> <p>8 question before you start your answer. And I'll do the</p> <p>9 same. Sometimes it happens, but I'll try to do the same,</p> <p>10 that I let you complete your answer before I start my next</p> <p>11 question. Okay?</p> <p>12 A. Okay.</p> <p>13 Q. Are you currently married?</p> <p>14 A. Yes, I am.</p> <p>15 Q. How long have you been married?</p> <p>16 A. Just celebrated 15 years.</p> <p>17 Q. Congratulations?</p> <p>18 A. Thank you.</p> <p>19 Q. Do you have any children?</p> <p>20 A. I do.</p> <p>21 Q. How many?</p> <p>22 A. I have one biological daughter and then two</p> <p>23 stepchildren.</p> <p>24 Q. How old are your kids?</p> <p>25 A. My biological daughter just turned 22. My</p>	<p style="text-align: right;">8</p> <p>1 A. I haven't received a degree from the community</p> <p>2 college yet either.</p> <p>3 Q. Which one did you go?</p> <p>4 A. Which one didn't I go to is a better question.</p> <p>5 I went to Phoenix College, Paradise Valley</p> <p>6 Community College, Scottsdale Community College and</p> <p>7 Glendale Community College.</p> <p>8 Q. When, approximately, was the last time you took a</p> <p>9 college course?</p> <p>10 A. About three years ago, and I did take some online</p> <p>11 courses through the University of Phoenix to try and</p> <p>12 finish my degree.</p> <p>13 Q. And you're still working towards that?</p> <p>14 A. Still working towards a degree, correct.</p> <p>15 Q. And you are certified as a police officer; is</p> <p>16 that correct?</p> <p>17 A. Yes, ma'am.</p> <p>18 Q. When did you become certified?</p> <p>19 A. I graduated the Arizona Law Enforcement Academy</p> <p>20 in October of 2008.</p> <p>21 Q. When you went to the academy, did you already</p> <p>22 have an agency that you would be working with?</p> <p>23 A. Yes. I was hired on by Glendale.</p> <p>24 Q. Have you worked for any other law enforcement</p> <p>25 agencies?</p>

<p style="text-align: right;">17</p> <p>1 Q. Did you have any written examinations with that?</p> <p>2 A. No, ma'am.</p> <p>3 Q. Was it the same process?</p> <p>4 A. Yes, ma'am.</p> <p>5 Q. Have you ever been charged with any crimes --</p> <p>6 well, let me rephrase that.</p> <p>7 Have you been charged with any felonies or</p> <p>8 misdemeanors?</p> <p>9 A. No, ma'am.</p> <p>10 Q. In the last ten years have you been charged with</p> <p>11 any traffic offenses?</p> <p>12 A. Ten years? No, ma'am.</p> <p>13 Q. Fair to say since you've become a police officer</p> <p>14 you've not been charged with any offense. Is that a fair</p> <p>15 statement?</p> <p>16 A. That is a fair statement.</p> <p>17 Q. Have you ever been a party to another lawsuit</p> <p>18 other than this one?</p> <p>19 A. I had an incident back in -- I'm not going to be</p> <p>20 able to recall the actual date, but there was an incident</p> <p>21 that I had during a call for service where there was a</p> <p>22 lawsuit that was opened, yes, ma'am.</p> <p>23 Q. Do you recall what the complaint was in that</p> <p>24 lawsuit?</p> <p>25 A. It was a use of force.</p>	<p style="text-align: right;">19</p> <p>1 what documents you looked at.</p> <p>2 A. I was able to review policy that we have here, go</p> <p>3 through defensive tactic situations.</p> <p>4 Q. Did you review any videos?</p> <p>5 A. I have reviewed some of the video, yes, ma'am.</p> <p>6 Q. Which videos did you review?</p> <p>7 A. I reviewed my body-cam video, the Motel 6</p> <p>8 body cam -- or not body cam, but the Motel 6 video, and</p> <p>9 then Officer Matt Schneider's body-cam video.</p> <p>10 Q. How long ago did you review those?</p> <p>11 A. About a week ago.</p> <p>12 Q. Did you review any audio recordings?</p> <p>13 A. No, ma'am.</p> <p>14 Q. Did you review any summaries of any audio</p> <p>15 recordings or any interviews that you did?</p> <p>16 A. No, ma'am.</p> <p>17 Q. Did you review the police report?</p> <p>18 A. No, ma'am.</p> <p>19 Q. Prior to just seeing these documents and the</p> <p>20 videos, approximately last week, when was the last time</p> <p>21 that you had looked at any videos regarding this matter?</p> <p>22 A. Probably several months prior.</p> <p>23 Q. And why would you look at them several months</p> <p>24 ago?</p> <p>25 MR. POPOLIZIO: Form.</p>
<p style="text-align: right;">18</p> <p>1 Q. Do you recall what they were claiming that you</p> <p>2 did wrong?</p> <p>3 A. That there was just the use of force.</p> <p>4 Q. Did they say what kind of force?</p> <p>5 A. There was a fight that incurred [verbatim]</p> <p>6 between me and another individual. He tried to hit me</p> <p>7 over the head with a bottle. I then did an open-hand</p> <p>8 strike on him, and during that time I got cut on the hand</p> <p>9 and he got cut on the nose.</p> <p>10 Q. Did you use your Taser? Do you recall?</p> <p>11 A. No.</p> <p>12 Q. I've read some of the stuff about that, and it</p> <p>13 sounds like he was physically combative and tried to kick</p> <p>14 you in the groin?</p> <p>15 A. Yes.</p> <p>16 Q. He wasn't able to do so, correct?</p> <p>17 A. No, ma'am.</p> <p>18 Q. That would be quite painful.</p> <p>19 A. Yes, ma'am.</p> <p>20 Q. Did you review any documents to prepare for your</p> <p>21 deposition today?</p> <p>22 A. I did have a chance to sit with lawyers and</p> <p>23 discussed this a little bit yes, ma'am.</p> <p>24 Q. What documents did you -- I don't want to know</p> <p>25 anything about your conversations with your attorney, just</p>	<p style="text-align: right;">20</p> <p>1 THE WITNESS: They're just videos that</p> <p>2 either have popped up on social media -- I haven't</p> <p>3 deliberately gone in to log in to see anything. It's just</p> <p>4 been what's publicly been out there.</p> <p>5 BY MS. BROADDUS:</p> <p>6 Q. Did you have any discussions with any other</p> <p>7 officers about your deposition today?</p> <p>8 A. No, ma'am.</p> <p>9 Q. You mentioned in the media -- a lot of this stuff</p> <p>10 came out in the media about February of this year,</p> <p>11 correct?</p> <p>12 A. That's about right.</p> <p>13 Q. Did you have any discussions with any officers</p> <p>14 about the publication of the video?</p> <p>15 A. No, ma'am.</p> <p>16 Q. Did you have any meetings with anyone within the</p> <p>17 police department regarding the videos since the videos</p> <p>18 were aired?</p> <p>19 A. No meetings, no, ma'am.</p> <p>20 Q. So you've been a police officer approximately ten</p> <p>21 years; is that correct?</p> <p>22 A. Just celebrated 11.</p> <p>23 Q. What would you say, while you were a member of</p> <p>24 NRS, that your police duties were?</p> <p>25 A. The Neighborhood Response Squad was a proactive</p>

21

1 **squad. We were kind of the dump-all, if you will, for all**
 2 **of the problems within the neighborhoods or in the**
 3 **surrounding areas. We were tasked from doing community**
 4 **projects to business checks to high patrol in high-crime**
 5 **area and be proactive with it.**

6 Q. What do you mean by community projects?

7 **A. We would go to the Boys and Girls Clubs and**
 8 **participate in activities with them. We would be a part**
 9 **of the business community meetings. We would be a part of**
 10 **citizen meetings.**

11 **There was a time that I orchestrated a**
 12 **downtown business gathering, if you will, because there**
 13 **was a lot of complaints coming in of certain things,**
 14 **whether it was the homeless or the street vendors or**
 15 **things like that that were kind of taking over the**
 16 **downtown area. So I organized a meeting of all the**
 17 **businesses so they could come in and express their**
 18 **frustrations and then find a solution within the NRS team**
 19 **of how we would go about and deal with these issues to --**

20 Q. When did --

21 **A. -- to ensure that they were satisfied.**

22 Q. And I apologize. I didn't mean to try to
 23 interrupt you.

24 **A. Not a problem.**

25 Q. When did you do that?

22

1 **A. That was probably late 2016 or early 2017.**

2 **Q. When you did that, when you met with the business**
 3 **owners and you went back with the NRS, what kind of**
 4 **solutions did you come up to help remedy some of these**
 5 **problems?**

6 **A. We came up with solutions to increase patrol**
 7 **within that area. We decided to engage our bike patrol**
 8 **again at certain times of the day. NRS -- or not NRS, but**
 9 **the Glendale Police Department used to have a full-time**
 10 **bike patrol, and the downtown businesses really liked that**
 11 **because we were showing that we were there pretty much**
 12 **whenever needed.**

13 **So we'd picked certain times, certain days,**
 14 **certain hours that we would say we're going to just go on**
 15 **bikes in the area, A, because that satisfied what they**
 16 **wanted to see, and then it also put us in the community as**
 17 **kind of a better light.**

18 **So we just kind of came up with several**
 19 **different ideas that was going to let the businesses know**
 20 **that we heard what they were saying and then try to deploy**
 21 **those in those areas.**

22 Q. Another thing that you mentioned that NRS does is
 23 business checks. What does that mean?

24 **A. Business checks was I would go into the downtown**
 25 **businesses such as Allstate, and I would go in there and I**

23

1 **would talk to the business owner and see how things were**
 2 **going, see if there was any issues that that business had,**
 3 **whether it be from, again, transients or traffic or people**
 4 **just loitering in their area.**

5 **So it was a way for us to connect to a**
 6 **business; provide them with a business card that gave them**
 7 **our personal information, that if they ever had an issue**
 8 **that they could call us personally, and we would try to**
 9 **take care of it, versus call in to the dispatch, have a**
 10 **patrol officer come out, take them off of the street to**
 11 **where they can't provide coverage for the streets or the**
 12 **beats. That's kind of what the Neighborhood Response**
 13 **Squad was more famous for, was taking the issues that**
 14 **patrol could avoid to allow them to go do their job and us**
 15 **go do that.**

16 Q. With the Neighborhood Response Squad, is that
 17 something that covered all of Glendale or was it only
 18 certain areas that you guys worked in?

19 **A. We were actually reassigned what was called the**
 20 **85301 squad, which was the zip code of 85301. Research**
 21 **had shown that 85301 was -- that zip code had a lot of**
 22 **high calls for service, a lot of paperwork being taken out**
 23 **of those zip codes.**

24 **Again, the purpose for the Neighborhood**
 25 **Response Squad was to kind of alleviate those extra calls**

24

1 **for service for patrol to allow them to go do what they**
 2 **needed to do.**

3 **So we were the south side NRS squad, but we**
 4 **were also known as the 85301 squad.**

5 Q. So there was a north side NRS squad, correct?

6 **A. Yes, ma'am.**

7 Q. Did they handle the north side of 85301 or
 8 another area?

9 **A. No. 85301 was strictly ours. The north side NRS**
 10 **squad, if you could take the city and divide it into two,**
 11 **being Orangewood the dividing line, Orangewood and north**
 12 **was for the north side NRS. Orangewood and south was for**
 13 **the south side NRS.**

14 Q. How many officers are total in -- let's say 2016,
 15 2017, how many officers were assigned to NRS?

16 **A. I think there was six of us.**

17 Q. And that's for the full NRS, not just north --
 18 that's both north and south?

19 **A. No, I'm sorry. That's just south side. Each**
 20 **squad had five or six, depending on movement and depending**
 21 **on, you know, being able to fill a body or something like**
 22 **that.**

23 Q. So just in some -- total NRS was approximately,
 24 depending on the day and who was going in and out, 10 to
 25 12 officers, correct?

29

1 **A. Specifically 85301, no.**
 2 Q. Are you familiar with Glendale's policies and
 3 procedures for use of force?
 4 **A. Yes, ma'am.**
 5 Q. Are you familiar with their policies for arrests?
 6 **A. Yes, ma'am.**
 7 Q. And do you have discretion as to whether or not
 8 to abide by those policies?
 9 **A. I'm not sure I understand that question.**
 10 Q. Sure. The policies set forth some parameters as
 11 an officer that you should abide by, correct?
 12 **A. Corrects.**
 13 Q. Do you have discretion to be able to go and
 14 exceed those parameters?
 15 **A. On certain calls, yes.**
 16 Q. Do you have any responsibilities or duties or are
 17 there any policies and procedures for Glendale if you
 18 witness another officer engage in something that would be
 19 a violation of those policies?
 20 **A. Yes.**
 21 Q. What is your obligation?
 22 **A. To -- if we're seeing a -- a violation, it is to**
 23 **try and spotlight that violation and interject if need be.**
 24 Q. Do you have any duties to report it to anyone?
 25 **A. Yes. If we see a violation, we have a duty to**

30

1 **report it to a supervisor.**
 2 Q. What would happen if there was a violation that
 3 was reported to a supervisor? What's the process that
 4 happens?
 5 **A. That supervisor would have to do their**
 6 **research -- their statistic finding, their fact-finding --**
 7 **to find out if the violation was a valid violation and**
 8 **then take appropriate action from there as a supervisor.**
 9 Q. What kind of appropriate action would they take?
 10 MR. POPOLIZIO: Form.
 11 BY MS. BROADDUS:
 12 Q. What are the options that they have?
 13 **A. It's -- it is kind of a wide variety of answers**
 14 **on that one because if it's somebody's first time, then it**
 15 **may be a coaching issue. If it's something that has been**
 16 **a coaching issue in the past, and it's a continuous**
 17 **action, then it may be a written warning. It may be a**
 18 **department investigation. Depending on the violation and**
 19 **how bad the violation, it could be a removal from -- from**
 20 **the department or a removal from the -- the specialty that**
 21 **they're in. Or from patrol, it could be just time off.**
 22 **So it -- there's multiple answers to that**
 23 **question.**
 24 Q. Okay. So a supervisor, if they're informed of a
 25 situation involving an officer that may be a violation of

31

1 the policy, they have some discretion on how they want to
 2 handle it. Is that a fair statement?
 3 MR. POPOLIZIO: Form; foundation.
 4 THE WITNESS: Yes.
 5 BY MS. BROADDUS:
 6 Q. And if they like an officer and they're young and
 7 they want to help them succeed, they might be willing to
 8 just work with them with maybe some additional training,
 9 correct?
 10 MR. POPOLIZIO: Form; foundation.
 11 THE WITNESS: I wouldn't be able to answer
 12 that.
 13 BY MS. BROADDUS:
 14 Q. Have you ever worked in a supervisory position?
 15 **A. No, ma'am.**
 16 **Q. Are you required to take a certain number of**
 17 **hours of training annually as a Glendale police officer?**
 18 **A. Yes, ma'am.**
 19 **Q. And what is your understanding of what training**
 20 **is required?**
 21 **A. We, every year, are required to go through what's**
 22 **called AOT, which is Advanced Officer Training. It is**
 23 **a -- used to be a weeklong class that's now condensed due**
 24 **to patrol issues and everything else like that. But it is**
 25 **classes that refresh us on certain policies, certain**

32

1 **tactics, defense tactics, shooting -- shooting scenarios,**
 2 **and it's mandated that we go through that training.**
 3 **Q. And you mentioned it used be weeklong and now**
 4 **it's condensed. Do you know when that switched?**
 5 **A. I believe it switched in 2010.**
 6 **Q. It sounds like there's different types of -- I've**
 7 **seen a lot of different training over the years for the**
 8 **AOT training. It looks like sometimes they touched on**
 9 **different topics for different years. Is that your**
 10 **understanding?**
 11 **A. Correct.**
 12 **Q. For example, for 2018 it sounds like the training**
 13 **was geared towards firearms, high-risk vehicle stops, 405**
 14 **man takedown -- four-to-five man takedown and first aid.**
 15 **Does that sound about right?**
 16 **A. Yes.**
 17 **Q. So it seems like every year firearms is an**
 18 **important part of the training, correct?**
 19 **A. Yes.**
 20 **Q. What is generally the firearms training that you**
 21 **receive?**
 22 **A. It usually is scenario-based-type shooting,**
 23 **whether it puts us in high-stressful situations or a**
 24 **judgment shoot, whether or not we do shoot or whether we**
 25 **don't shoot. And then skills shooting. You know,**

33

1 refining our skills with our firearms to -- from shooting
2 small targets to shooting moving targets. It's all to
3 redefine our skills.

4 Q. Other than the training that you received through
5 AOT training, is there a certain number of hours or a
6 certain number of times that you're supposed to go to the
7 firing range to practice shooting?

8 A. We are not required to. We have to -- we do have
9 to qualify once a year.

10 Q. Who does the qualifications?

11 A. Our range master.

12 Q. Now, I saw in December of 2018 it looks like
13 there was a class for high-risk vehicle stops. What did
14 that include?

15 MR. POPOLIZIO: Form.

16 THE WITNESS: In December there -- that
17 was -- I think I went through Advanced Officer Training.
18 That was my AOT week.

19 AOT starts at the beginning of the year and
20 kind of goes until mid-June. They take the summer months
21 off because of the heat, because all of our training is
22 outside. And then they start it back up, and they start
23 it back up probably late August and carry over through
24 till the end of December.

25 You're required within that year's time to

34

1 sign up for Advanced Officer Training. I signed up for
2 Advanced Officer Training in December of 2018. So that
3 high-risk stop would have been -- if this is what we're
4 talking about -- my required training that I went through
5 in AOT.

6 BY MS. BROADDUS:

7 Q. What do you recall from that training for the
8 high-risk vehicle stops?

9 A. We just went through the tactics of doing a
10 high-risk stop from how far we want vehicles to the
11 vehicle, how we're calling individuals out from that
12 vehicle, tactical approaches, safety to the public, safety
13 to us.

14 Q. Do you know who decides what topics are going to
15 be for the annual training?

16 A. I personally do not know.

17 Q. Do you have any input or do you ever make any
18 recommendations, hey, this might be an area that we might
19 need some more training on? Do you ever make any
20 recommendations like that?

21 A. I personally have not, no.

22 Q. Do you know any other officers that may have?

23 A. To my knowledge, no.

24 Q. It's something that someone higher up decides?

25 A. Correct.

35

1 Q. You have a big notebook in front of you and I'm
2 going to have you -- it has exhibits that we used in
3 Officer Fernandez's deposition. So I want to go through a
4 couple things with you.

5 A. Okay. Absolutely.

6 Q. I'm going to have you go to the first tab. Well,
7 let me ask one clarification question.

8 Since you've been an officer, every year
9 you've gone through the AOT training, correct?

10 A. Yes, ma'am.

11 Q. There hasn't been any years you did not complete
12 the training, correct?

13 A. No, ma'am.

14 Q. I'm going to have you go to tab 1. You'll notice
15 at the bottom of the first page, bottom right-hand side
16 it's says Wheatcroft and then it has a number. And it
17 says 002595. Do you see that?

18 A. Yes, ma'am.

19 Q. That's what we refer to as a Bates number, and
20 it's a way to identify pages specifically. So you'll
21 notice this one ends in 95. The next one ends in 96.

22 A. Yep.

23 Q. I'm going to have you turn to the page that ends
24 in 601. You'll see at the top of the page it's says, "All
25 Taser deployments 15 seconds or longer will require

36

1 immediate medical evaluation."

2 Is that your understanding of what the
3 practice is for Glendale?

4 A. Yes, ma'am.

5 Q. It talks about -- it has some bullet points here,
6 and it says, "Repeated or multiple" -- I'm sorry --
7 "Repeated and multiple applications."

8 Do you see that?

9 A. Yes, ma'am.

10 Q. So is it your understanding that if there are
11 repeated and multiple applications that immediate medical
12 attention or evaluation would be required?

13 A. It needs to be provided.

14 Q. And so each one of these bullet points -- the
15 next one talks about a cycling time that exceeds 15
16 seconds. And the last one says, "Simultaneous
17 applications by more than one CEW."

18 Those are additional times that you would --
19 medical attention would be required, correct?

20 A. Medical attention would need to be provided, yes,
21 ma'am.

22 Q. And just for clarification, can you tell me what
23 CEW is?

24 A. I've got to be honest with you. I don't know.

25 Q. I'll have you go to the next page. It's Bates

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1 training officer, I would try to tell my officers in
2 training the two most volatile calls for service are
3 domestic violence and traffic stops because you have the
4 unknowns out there. You have the emotions of a domestic
5 violence situation, and you have the unknown of what's
6 inside of a vehicle.

7 **We, as officers, are to assume that whatever**
8 **is in that vehicle can harm or kill us without the**
9 **unknown. If we have an individual who is not complying**
10 **with our request to keep their hands where we can see**
11 **them, then there's a safety issue. We have to assume that**
12 **if a person is not wanting to comply with our request that**
13 **there could be something more in that vehicle that can**
14 **harm us.**

15 Q. That's true of every stop, correct?

16 **A. Yes. Whether I'm pulling over a 16-year-old or**
17 **a 70-year-old, it's the same that we go through.**

18 Q. You just mentioned right now if you made a
19 request to someone to keep their hands where you can see
20 them and they do, that's being compliant, correct?

21 MR. POPOLIZIO: Form.

22 THE WITNESS: Yes.

23 BY MS. BROADDUS:

24 Q. If they do that, and they listen to the command
25 to keep their hands where you can see them, does that

70

1 allow an officer to go ahead and forcibly use some type of
2 resistance against them?

3 MR. POPOLIZIO: Form.

4 THE WITNESS: If they are complying with
5 that demand, then no.

6 BY MS. BROADDUS:

7 Q. Is a passenger in a car supposed to assume they
8 know what the officer wants?

9 **A. I can't answer that question. I can't -- I can't**
10 **answer what a passenger would assume.**

11 Q. Okay. So you would expect that a passenger, if
12 an officer gives the person some kind of directive or a
13 request, that the person would comply with that request,
14 true?

15 **A. We would hope so, yes.**

16 Q. Let me go on to the next one. I'm going to have
17 you pull up an exhibit.

18 **A. Sure.**

19 Q. I'm going to have you go to tab 5, Exhibit 5.

20 **A. Tab 5?**

21 Q. Yes.

22 (An off-the-record discussion ensued.)

23 BY MS. BROADDUS:

24 Q. I'm just going to have you look at that
25 generally, first.

71

1 **A. The whole thing or where it says generally?**

2 Q. Well, I'll start at the top.

3 **A. Okay.**

4 Q. At the top of the page it says it's a
5 Neighborhood Response Unit general order for the Glendale
6 Police Department.

7 **A. Yes, ma'am.**

8 Q. Are you familiar with this document?

9 **A. Yes, ma'am.**

10 Q. And you've seen this before?

11 **A. Yes, ma'am.**

12 Q. And you're familiar with these practices,
13 correct?

14 **A. Yes, ma'am.**

15 Q. I'm going to have you go to page 2 of this, which
16 is Bates numbered 464. Do you see this?

17 **A. Make sure I'm on the one right one. 464, yes,**
18 **ma'am.**

19 Q. There's some subsections on here. And towards
20 the bottom there's a subsection C. Do you see that?

21 **A. Yes, ma'am.**

22 Q. And it talks about problem-solving in the
23 community and knock and talks. Do you see that?

24 **A. Yes, ma'am.**

25 Q. And under subsection 2 of section C, it says,

72

1 "Knocks and talks are simply defined as obtaining
2 voluntary consent to enter a person's residence, asking
3 for and obtaining voluntary" -- I apologize -- "voluntary
4 consent to search their home, vehicle, person and/or
5 possessions."

6 Do you see that?

7 **A. Yes, ma'am.**

8 Q. And it also says knock and talks will be used
9 only if probable cause for a search warrant does not
10 exist, correct?

11 **A. Correct.**

12 Q. So as part of your Neighborhood Response Squad,
13 you'll do these exercises called knock and talks where
14 you'd go into the community and just go and try to talk to
15 people; is that true?

16 **A. Usually our knock and talks are based on leads**
17 **that came into the Glendale Police Department's either**
18 **drug hotline or crime hotline.**

19 Q. So you have some kind of information that would
20 lead you to believe or be suspicious that it could be some
21 type of illegal activity going on, correct?

22 **A. Yes, ma'am.**

23 Q. And in those situations you have to obtain
24 voluntary consent before you can do any searches, correct?

25 **A. That is correct.**

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1 Q. And that's even after you have a suspicion,
2 correct?

3 **A. That is correct.**

4 Q. I'll have you turn to the next page. And
5 under -- there's a subsection A at the top, and then
6 there's a subsection B that begins, "Consent searches."

7 Do you see that?

8 **A. Subsection B, "Consent searches," yes, ma'am.**

9 Q. It says, "Consent searches must be voluntary and
10 cannot be obtained by force, threats, tricks, promises,
11 intimidation or by exertion of authority."

12 Do you see that?

13 **A. Yes, ma'am.**

14 Q. Is that your understanding in general as a police
15 officer, that any consent must be given for a search --
16 unless there's a search warrant obviously or a -- but
17 generally you cannot obtain consent by using force?

18 MR. POPOLIZIO: Form.

19 THE WITNESS: That is correct.

20 BY MS. BROADDUS:

21 Q. That's a practice that's frowned upon by the
22 police department, correct?

23 **A. Yes.**

24 Q. Do you get in trouble if you use force to try and
25 get someone to give information when they didn't need to?

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1 MR. POPOLIZIO: Form.

2 THE WITNESS: Yes.

3 BY MS. BROADDUS:

4 **Q. I'm going to have you go to the next exhibit,**
5 **which is Exhibit No. 6. Are you familiar with this**
6 **document?**

7 **A. Yes, ma'am.**

8 **Q. And this is the response to resistance policy for**
9 **the Glendale Police Department, correct?**

10 **A. Yes, ma'am.**

11 MR. POPOLIZIO: Jody, not to interrupt your
12 flow, but can we take a short break?

13 MS. BROADDUS: Absolutely.

14 MR. POPOLIZIO: Thank you.

15 (The deposition was at recess from 11:19 to
16 11:29 a.m.)

17 BY MS. BROADDUS:

18 Q. Right before the break we were -- I was having
19 you look at Exhibit 6, which is Glendale's policies and
20 procedures for response to resistance, correct?

21 **A. Yes, ma'am.**

22 Q. I'm going to have you go to page Bates numbered
23 436 at the bottom.

24 **A. Okay.**

25 Q. Under subsection 4 on that page it says, "Tasers

75

1 should only be used against subjects who are exhibiting
2 active aggression."

3 Do you see that?

4 **A. Yes, ma'am.**

5 Q. Is that your understanding of what the policy
6 requires?

7 **A. Yes, ma'am.**

8 Q. And so if there's this passive resistance, Tasers
9 should not be used in general?

10 **A. There's a -- there's a different level of it. So**
11 **if we have a noncompliant subject we can bring the Taser**
12 **out as a tool on our belt, if you will, to gain control of**
13 **the situation. It doesn't mean that we have to deploy the**
14 **Taser, but we can bring the Taser out as a tool to help**
15 **control the situation.**

16 **What this reads here is "Taser should be**
17 **used only against who are exhibiting active aggression**
18 **[verbatim]."**

19 **So that's the deployment of the Taser.**

20 Q. Thank you for the clarification.

21 We'll get to that in second. Let's turn to
22 the next page. Subsection D begins -- it says, "In cases
23 of passive resistance, unless the use is reasonable and
24 necessary under the circumstances and a lesser means of
25 control/force has been attempted and failed."

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1 And if you go back -- it's talking about
2 Taser being deployed if you look under the subsection.

3 **A. Uh-huh.**

4 Q. So what is your understanding of that?

5 MR. POPOLIZIO: Form.

6 Go ahead.

7 THE WITNESS: "In case of passive resistance
8 unless" -- let me just read it back so I can make sure I
9 understand it -- "the use is reasonable and necessary
10 under the circumstances and a lesser means of
11 control/force has been attempted and failed."

12 As an example for that, when there is -- if
13 we attempt to go hands-on with somebody to control a
14 situation, their muscles are tensed up, they attempt to
15 pull away, they attempt to get out of our control hold,
16 that's where it takes it from passive resistance to
17 psychological intimidation. They're escalating their
18 response to us, which is then, in return, going to
19 escalate our response to them. So the level of our use of
20 Taser can increase with their increase of their
21 aggression.

22 So, again, from passive resistance to
23 somebody going up and me trying to control the -- for
24 instance, I'm just trying to control the arm -- I've got
25 my hand on their shoulder to say, hey, relax. And in that

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1 moment as I'm touching their shoulder or I'm holding onto
2 it, I can feel the muscle tensing up, I can feel them
3 pulling away from me, that's where it takes it from
4 passive-aggressive to psychological intimidation, which
5 means that they're escalating the situation. We try to
6 use their means and we try to control their means on how
7 they dictate it.

8 BY MS. BROADDUS:

9 Q. Just so I understand, if someone is passively
10 resisting and they increase the level of resistance to
11 psychological intimidation, which is a different level of
12 resistance, then Taser deployment would be appropriate
13 under those circumstances?

14 A. Yes, ma'am.

15 Q. If they're just purely in passive resistance, is
16 that something that you would use -- deploy a Taser for --

17 MR. POPOLIZIO: Form.

18 BY MS. BROADDUS:

19 Q. -- without them escalating?

20 MR. POPOLIZIO: Form.

21 THE WITNESS: If I've got somebody who is
22 sitting with their legs crossed and their hands on their
23 knees and being compliant, there would be no reason to
24 bring a Taser out.
25

78

1 BY MS. BROADDUS:

2 Q. And under this same section, and just for
3 clarification, it begins on the page before under
4 subsection 7. It says, "The Taser should not be deployed
5 under any of the following circumstances," and then
6 there's subsections which continue on to the next page,
7 correct?

8 A. Correct.

9 Q. Under subsection F on that page, it says, "To
10 threaten or to gain information from a suspect," correct?

11 A. That's correct.

12 Q. And so my understanding is it would be
13 inappropriate and a violation of this policy if someone
14 were to threaten or attempt to gain information from a
15 suspect by using a Taser.

16 MR. POPOLIZIO: Form.

17 BY MS. BROADDUS:

18 Q. Deploying a Taser. Let me rephrase that.

19 MR. POPOLIZIO: Form.

20 THE WITNESS: Depending on the situation,
21 again. Depending on whether or not we are getting at the
22 first stage of verbal compliance, whether or not we are
23 aware of everything that is in our surroundings.

24 Let's take it back to a traffic stop. If
25 I've got a middle console and somebody's continuing to go

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1 over to that middle console -- I have an unknown in that
2 middle console, and I've asked that individual to stop
3 reaching towards that middle console, and they're
4 continuing to reach to that middle console, and I put my
5 hand on their shoulder and I say, hey -- because the
6 window is down -- and I say, hey, please don't continue to
7 reach that middle console, I don't know what's in that
8 middle console, and that individual continues to go to
9 that middle console, it then takes it to a different
10 level. The game has changed at that point in time because
11 the individual is not complying with my direct command to
12 not go to that middle console.

13 There could be a weapon in there. There
14 could be something that could harm the people in the
15 vehicle, harm me, harm themselves. So we have to control
16 that situation. So if that means that we need to bring
17 the Taser out and say, I've asked you once, I've asked you
18 twice not to reach for that middle console, the Taser is a
19 psychological intimidation weapon that we can use to try
20 and gain the compliance of that individual.

21 And to go back and answer your question, at
22 any point in time a game can change within a traffic stop
23 or even a consensual stop if the individual is not
24 complying with what we're asking for.
25

80

1 BY MS. BROADDUS:

2 Q. So in this particular -- and this section
3 specifically talks about deployment, not threatening, by
4 the way.

5 A. Correct.

6 Q. Just for clarification.

7 A. Correct.

8 Q. So under your scenario where you have someone who
9 keeps reaching for something and maybe -- or touching the
10 center console, something that makes you uncomfortable as
11 a police officer, if you direct them to stop reaching for
12 it and they do, are they compliant at that point?

13 A. If they stop reaching for it, yes, they are being
14 compliant.

15 Q. And under those circumstances, if they stopped
16 reaching for that based on your instruction, it would be
17 inappropriate to use a Taser to threaten that person,
18 correct?

19 A. I would reholster my Taser at that time.

20 Q. And it would be inappropriate to use a Taser at
21 that point, correct?

22 A. Correct.

23 Q. Under subsection 8 on the same page, it says, "No
24 officer shall playfully, maliciously, recklessly or
25 intentionally misuse the Taser in a display of power or

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1 noncompliance depending on the situation.

2 If we are in an open orange grove where
3 there's areas for an escape or an officer's safety, then
4 that's one thing. If we are in a house dealing with a
5 domestic violence situation, that changes the game. If
6 we're doing a traffic stop, that changes the game.

7 So it just depends on the scenario and the
8 situation.

9 Q. When we're talking about -- let's go back up to
10 the passive section again because it talks about where the
11 suspect -- and it has various things. It says, displays
12 no acts of assault, threat, verbal noncompliance and never
13 resist any control of the officer.

14 You had mentioned officer safety would be a
15 reason to be concerned, but this talks about where there's
16 no threat or verbal noncompliance. So where would the
17 officer safety be under the passive aspect?

18 A. Again, the first line here that says, "Suspect
19 fails to obey a command or direction of the officer."

20 If an officer is asking an individual to
21 stop reaching into a bag or stop reaching into a pocket or
22 stop reaching into the middle console or reaching towards
23 the middle console, that's where the subject is disobeying
24 the command or the direction of an officer. And that's
25 where the officer's safety comes into play.

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1 Q. Under psychological intimidation it also has
2 different methods of control. You can also threaten the
3 Taser use, correct?

4 A. Correct.

5 Q. But again, under psychological intimidation it
6 does not allow for the deployment of a Taser at the pure
7 level of psychological intimidation?

8 A. To deploy a Taser, correct. There is a
9 difference between a deployment and the threatening of the
10 use.

11 Q. Is it fair to say that from the first three
12 categories we've talked about -- passive, verbal
13 noncompliance and psychological intimidation -- that
14 employment of a Taser is not appropriate if the level
15 hasn't escalated beyond those?

16 I'm talking about deployment specifically.

17 A. Correct.

18 Q. Under the next section it talks about physical,
19 and then in parentheses it says "defensive resistance."

20 Do you see that?

21 A. I do.

22 Q. What is your understanding of what that this?

23 A. The physical defense resistance is if somebody is
24 physically either trying to resist arrest, resist a
25 control hold or actively fighting with us.

91

1 Q. Trying to pull away from you?

2 A. Or trying to pull away from us.

3 Q. Under this level of force, this is not where
4 they're trying to assault an officer or trying to attack
5 the officer.

6 A. Correct.

7 Q. They're just trying to get away, correct?

8 A. Correct.

9 May I interject for just a second?

10 Q. Sure.

11 A. If you go back to where it says the methods of
12 control, under passive it says display Taser.

13 Q. Correct.

14 A. Under verbal noncompliance it says display Taser.
15 Where we get to psychological intimidation and where we
16 get to physical defense resistance, it no longer says
17 display Taser. It says that we are able to use the Taser.
18 That's where a deployment is able to be used.

19 So when we have somebody in the
20 psychological intimidation factor, we have reached that
21 level of resistance, Taser is, per our policy, able to be
22 deployed. That's why they have it written differently up
23 in the upper two, is display versus Taser.

24 Q. And maybe I just need to correct that because
25 I think I -- we stated that incorrectly before.

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1 So it's only under passive and verbal
2 noncompliance where Taser deployment is inappropriate?

3 A. Correct.

4 Q. And then from that point on things get into
5 psychological intimidation or physical defense resistance,
6 then a Taser may be deployed depending upon the
7 circumstances, correct?

8 A. Depending on the circumstances, yes.

9 Q. The next section is active aggression. What is
10 your understanding of that?

11 A. The only way I can describe it is you're in a
12 fight. They're either pushing you, you're trying to gain
13 control of them, they are resisting you at any point in
14 time. It's just -- basically it's a physical act between
15 the two of you.

16 Q. And under active aggression, that's where the
17 aggression is actually geared towards the officer as
18 opposed to maybe trying to resist to get away, correct?

19 A. Correct.

20 Q. Under active aggression you're allowed to use a
21 Taser or have Taser deployment if necessary, correct?

22 A. Yes.

23 Q. Under aggravated active aggression, is the next
24 section, what is your understanding of the difference
25 between aggravated active aggression and active

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1 **investigative stop begins at that time.**

2 Q. And you mentioned going to either the passenger
3 or driver's side of the vehicle. What makes that
4 determination for you?

5 **A. Traffic, conditions, officer safety.**

6 Q. What do you mean by officer safety when you're
7 approaching?

8 **A. If an officer has to put himself in front of a
9 vehicle to make his approach, that's an unsafe approach.
10 The person who is driving that vehicle at any point in
11 time can put that vehicle in drive and run the officer
12 over. So if an officer feels that his approach to a
13 driver's side is going to put himself in harm's way, he'll
14 make a passenger side approach.**

15 **Or if you're on a busy street, as we've seen
16 in recent history where officers have been killed, they
17 may make a passenger approach because of the traffic
18 conditions.**

19 Q. When you're doing an investigative stop such
20 as someone for traffic violation and you're approaching
21 the passenger side of the vehicle, do you have the
22 conversation with the passenger or the driver? Or who are
23 you trying to communicate with?

24 **A. Usually you start off by explaining to the driver
25 the purpose of the traffic stop.**

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1 Q. Then what's the next step?

2 **A. If you're the solo officer, then you're
3 continuing with the purpose of the traffic stop and try to
4 get identification from that driver and try to get
5 identification from those occupants in the vehicle.**

6 **If you have multiple officers on a traffic
7 stop, the role, again, becomes instead of a contact/cover,
8 you may have two contact officers, and one is talking to
9 one party, the other officer is talking to another party.**

10 Q. At some point are you supposed to call the
11 dispatch?

12 **A. Again, it depends on the situation. If we have
13 time to radio into dispatch of our traffic stop, then time
14 allows, then yes. There are times where vehicles will
15 sometimes force a stop; whether it's in the middle of the
16 street or whether it's in a parking lot, they'll force a
17 stop. Which, at that point in time, scene security and
18 scene safety for that officer is first and foremost.**

19 **So it's not a general rule that you have to
20 put it out right at the beginning. It's preferable, but
21 situations may change and dictate how an officer will put
22 out a traffic stop. A vehicle's action will control what
23 an officer will do.**

24 **(Deposition Exhibit No. 12 was marked for
25 identification.)**

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1 BY MS. BROADDUS:

2 **Q. You've been handed a document that's been marked
3 as Exhibit 12, and it's another Glendale Police Department
4 General Order. And this one is for vehicle stops. Do you
5 see that?**

6 **A. Yes, ma'am.**

7 **Q. Are you familiar with this document?**

8 **A. Yes, ma'am.**

9 Q. When was the last time you reviewed this
10 document?

11 **A. I would have reviewed it about a week ago.**

12 Q. Is it your understanding that this is the current
13 policies and procedures for stopping a vehicle for the
14 City of Glendale?

15 **A. Yes, ma'am.**

16 Q. And this was the same policy and procedure that
17 was in place in 2017, correct?

18 **A. To my knowledge, yes, ma'am.**

19 Q. The first section on this page is 23.301 for
20 vehicle stops, and it talks about general information. Do
21 you see that?

22 **A. Yes, ma'am.**

23 Q. And earlier you talked about for the different
24 types of stops, and this has actually three sections. The
25 first one says investigative and non-felony, which we've

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1 talked about.

2 **A. Yes, ma'am.**

3 Q. The second one is high risk or known risk. Do
4 you see that?

5 **A. Yes, ma'am.**

6 Q. And then it has a section 3, and it talks about
7 if reasonable to do so, the officer should conduct a
8 pre-stop investigation. Do you see that?

9 **A. Yes, ma'am.**

10 Q. How is that different than an investigative stop
11 or a high-risk stop?

12 If it is. It might just be a different
13 subsection of this.

14 **A. To read that, what they're trying to say there,
15 if it's in my interpretation, is if it's reasonable --
16 again, I'm going to use my example of a blue Ford Taurus
17 leaving the scene of what is to believe a crime had just
18 been committed [verbatim]. If reasonable, we'd like to do
19 research on that vehicle before we make the stop. If it's
20 not reasonable, we will make the stop based upon the --
21 the totality of the circumstance.**

22 Q. We've talked about each of these, and under
23 investigative and non-felony stop it has two subsections:
24 A reason to do so if there was a criminal act committed or
25 about to be committed, not a mere hunch, that we've talked

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1 Q. So I want to make sure I understand this. If an
2 officer believes there's a threat of their safety in any
3 way in a vehicle --

4 **A. Or the safety of the occupants inside that**
5 **vehicle.**

6 Q. -- then they are entitled to identification from
7 everyone in that vehicle. Is that your position?

8 **A. We're entitled to control the scene.**

9 Q. When controlling the scene, is that mandatory,
10 that every passenger in that vehicle has to provide
11 identification?

12 **A. We try to get not identification but true name.**

13 Q. Is it required by the law that they have to
14 provide that?

15 **A. No.**

16 Q. It's not illegal for them not to provide their
17 ID?

18 **A. Not their ID, no.**

19 **(Deposition Exhibit No. 13 was marked for**
20 **identification.)**

21 BY MS. BROADDUS:

22 Q. You've been handed a document that's been marked
23 as Exhibit 13. It says at the top of the page, "Glendale
24 Police Department General Order, Laws of Arrest."

25 Do you see that?

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1 **A. Yes, ma'am.**

2 Q. Underneath that it has a revision date of
3 November 26th of 2018. Do you see that?

4 **A. Yes.**

5 Q. Do you know if and when and how these laws of
6 arrest or policies and procedures for laws of arrest
7 changed in November of 2018?

8 **A. I wouldn't know why they would have changed.**

9 Q. Have you reviewed this document recently?

10 **A. This document, no, not recently.**

11 Q. On the first page of this document under section
12 24.001 it has different types of arrests. Do you see
13 that?

14 **A. Yes, ma'am.**

15 Q. And it talks about the custodial arrest. Do you
16 see that?

17 **A. Yes, ma'am.**

18 Q. And there's custodial arrest without a warrant,
19 correct?

20 **A. Correct.**

21 Q. And there's arrest with a warrant, correct?

22 **A. Correct.**

23 Q. On the next page it talks about arrests with a
24 warrant, civil?

25 **A. Correct.**

123

1 Q. Those are all different types of arrests that
2 you're aware of?

3 **A. Yes, ma'am.**

4 Q. There's the next section that says, "Field
5 Interview/Volunteer Contact."

6 Do you see that?

7 **A. Yes, ma'am.**

8 Q. That's not an arrest, correct?

9 **A. That is correct.**

10 Q. So even though this general policies and
11 procedures is called laws of arrests, it also talks about
12 other types of contacts with people, correct?

13 **A. Yes.**

14 Q. Under subsection E under "Field
15 Interview/Voluntarily Contact" --

16 **A. Uh-huh.**

17 Q. -- the first section talks about a situation
18 where there's no reasonable suspension and no probable
19 cause.

20 **A. Correct.**

21 Q. That's when an officer thinks that they want to
22 investigate something and they want to talk to somebody,
23 correct?

24 **A. Correct.**

25 Q. That's not an arrest, correct?

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1 **A. Correct.**

2 Q. And that's not a detainment either, correct?

3 **A. Correct.**

4 Q. Under subsection 2 it says, "The officer has no
5 power to restrain a person from walking or driving away."

6 Do you see that?

7 **A. Yes.**

8 Q. And "The individual has no obligation to answer
9 questions or remain," true?

10 **A. That's correct.**

11 Q. So my understanding is for a field interview or
12 for voluntary contact under the guidelines for Glendale
13 officers, if there's no reasonable suspension and no
14 probable cause, then an individual is not obligated to
15 provide any answers or to stay or remain?

16 MR. POPOLIZIO: Form.

17 THE WITNESS: I'm not sure if I understand.
18 I mean, I understand the question as it's read, but I'm
19 not understanding the question that's behind it.

20 BY MS. BROADDUS:

21 Q. Okay. Well, let me say this: If it's a field
22 interview or a voluntary contact, you have no -- and
23 there's no reasonable suspicion and no probable cause, you
24 cannot detain that person, fair?

25 **A. Fair.**

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1 Q. And they don't have to answer questions either?

2 A. Correct.

3 Q. Under the next subsection, subsection F, which is
4 on page 1773 --

5 A. Uh-huh.

6 Q. -- subsection F talks about an investigative
7 detention or stop. Do you see that?

8 A. Yes.

9 Q. And that talks about if there's a reasonable
10 suspicion grounded in specific and articulable facts.

11 Do you see that?

12 A. Yes.

13 Q. So what is your understanding of the difference
14 between a field interview or voluntary contact and an
15 investigative detention?

16 A. Investigative detention would be a description of
17 a person wearing a blue shirt with a white hat walking
18 down the street, which was the same description that was
19 given from an earlier call or a call that's in progress;
20 an officer who sees an individual who is matching that
21 description as being an investigative detention stop. At
22 that point in time, based on the totality of the
23 circumstances and based on the totality of the description
24 that was given, to at least stop and do an investigative
25 research at that time.

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1 Q. And under subsection F on this page you will see
2 under subsection 3 it says, "Refusal to cooperate, answer
3 questions or to produce identification does not alone
4 establish probable cause to arrest, but such refusal may
5 be considered along with other facts as an element to
6 adding to probable cause."

7 Do you see that?

8 A. Yes.

9 Q. So is it fair to say that just -- if someone just
10 doesn't want to provide identification, if there's nothing
11 further, then there's no probable cause to arrest?

12 A. We have to have a reasonable suspicion to keep
13 that person there.

14 Q. When a vehicle is stopped and there are
15 passengers in the vehicle, they're just merely passengers
16 and have not done anything, and there's nothing unusual
17 about the stop, it's a routine minor traffic stop, is a
18 passenger in the vehicle, if you want to question him, do
19 they fall under a field interview, voluntary contact or as
20 an investigative detention?

21 A. We are doing an investigative detention at that
22 time of the vehicle and everything that's inside that
23 vehicle.

24 Q. Does that mean including the passengers?

25 A. Including passengers.

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1 Q. But the passengers are still free to leave,

2 correct?

3 A. Correct, unless reasonable suspicion develops of
4 why we need to detain that passenger.

5 Q. Can you detain a passenger to conduct an
6 investigation if you have no reasonable suspicion that
7 they've done anything?

8 A. If a passenger's 100 percent compliant and
9 nothing leads to that passenger being involved in anything
10 or hiding anything, then no.

11 Q. And when you say compliant, is that compliant of
12 any order or a lawful order?

13 A. I'm going to say lawful order.

14 Q. I'm going to have you go to page 1774. And
15 towards the top of the page there's a subsection I, and it
16 says "General Guidelines for arrest."

17 Do you see that?

18 A. Yes, ma'am.

19 Q. It has different things about what an officer
20 should do in making an arrest, correct?

21 A. Yes.

22 Q. Under subsection A it says, "Only the restraint
23 necessary to assure a safe custody and safety of the
24 officer and public shall be employed."

25 Do you see that?

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1 A. Yes.

2 Q. And it says, "In other words, only the amount of
3 force which is reasonable and necessary shall be
4 employed," correct?

5 A. Correct.

6 Q. And under subsection C states that "In case of a
7 injury, apparent illness or other medical condition, the
8 officer shall see the arrested people receives medical
9 attention" -- I'm sorry -- "medical attention."

10 Do you see that?

11 A. Uh-huh.

12 Q. Is that your understanding of what the practice
13 is?

14 MR. POPOLIZIO: Objection; form.

15 THE WITNESS: We are to provide medical
16 attention to them. Whether an individual accepts that
17 medical attention is up to them. They have the right to
18 refuse medical treatment.

19 BY MS. BROADDUS:

20 Q. Other than this document that's been marked as
21 Exhibit 6, are you aware of any other written policies or
22 procedures that relate in any way to detention?

23 (An off-the-record discussion ensued.)

24 BY MS. BROADDUS:

25 Q. I just asked you a question. I'm referring to

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1 Exhibit 13 dealing with the laws of arrest. Are you aware
2 of any other policies or procedures relating to
3 detentions?

4 **A. I'm not aware of any others.**

5 Q. Are you aware of any other policies or procedures
6 that relate in any way to questioning passengers in a
7 vehicle?

8 **A. I'm not aware of any others.**

9 Q. Are you aware of any other policies or procedures
10 that are written that relate to either vehicle stops or
11 detention of passengers in a vehicle other than what we've
12 talked about?

13 **A. No.**

14 Q. What do you think would happen to you if you
15 violated the policies and procedures of Glendale?

16 MR. POPOLIZIO: Form; foundation.

17 THE WITNESS: Your question is: What do I
18 think would happen to me?

19 BY MS. BROADDUS:

20 Q. Yes. Do you think you'd be disciplined?

21 MR. POPOLIZIO: Same objection.

22 THE WITNESS: I think that the City has an
23 obligation to investigate it to its fullest degree. And
24 if it is a pattern that hasn't been corrected, then, yes,
25 to answer that question.

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1 BY MS. BROADDUS:

2 Q. So my understanding is if there's a violation,
3 then you would expect to be investigated, correct?

4 **A. Correct. Whether disciplined or not is another
5 story.**

6 Q. Do you know what the process is for being
7 investigated?

8 **A. It depends on a lot of different things. It
9 depends on the supervisor. It depends on past history,
10 past discipline, the nature of the purpose for this
11 discipline. We have things which is a department
12 investigation or we have log notations. There's different
13 aspects to it.**

14 Q. Do you know whether there are any set guidelines
15 as to what sanctions or punishments or discipline should
16 be applied for certain violations?

17 MR. POPOLIZIO: Form; foundation.

18 THE WITNESS: I'm not aware of any.

19 BY MS. BROADDUS:

20 Q. Do you know who decides what sanction or
21 discipline is going to be applied, if any?

22 MR. POPOLIZIO: Form.

23 THE WITNESS: I don't.

24 BY MS. BROADDUS:

25 Q. Do you have any say as to whether there was a

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1 violation or whether -- what discipline, if any, should be
2 applied if you were engaged in activity that may or may
3 not be -- let me stop that. I'll start over.

4 If you were being investigated for an
5 alleged violation of the policies and procedures and you
6 were being investigated, do you have any discretion or do
7 you have any input as to what your discipline would be, if
8 any?

9 **A. No.**

10 Q. Have you ever had a claim filed against you other
11 than the lawsuit that we talked about earlier?

12 **A. A claim, no.**

13 Q. Have you ever had a complaint lodged or
14 registered against you in any -- as your capacity as a
15 police officer?

16 **A. A complaint from?**

17 Q. Anyone.

18 **A. Anyone? I'm sure I have.**

19 Q. I've gone through your file. I'm going to ask
20 you about a couple of things.

21 **A. Sure.**

22 Q. In 2011 you received a memo of correction for a
23 lost cell phone?

24 **A. Uh-huh.**

25 Q. Do you remember that?

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1 **A. I do.**

2 Q. What is a memo of correction?

3 **A. A memo of correction is the level that a
4 supervisor decided to take, that it was a first offense,
5 no prior history or any other discipline. So it was just
6 a log notation that it was needing to be done. My
7 supervisor at that time, Sergeant Bousman, was the one who
8 did it.**

9 MR. POPOLIZIO: Your friend.

10 THE WITNESS: She was the one who brought me
11 in, had a conversation with me, and said that, you know,
12 against this policy you lost a cell phone, which is the
13 property of the City. So I'm writing you up for it. It's
14 just a -- it was just more or less a
15 don't-let-it-happen-again-type situation.

16 BY MS. BROADDUS:

17 Q. And do you know whether Sergeant Bousman -- is
18 she a sergeant still?

19 **A. She's a lieutenant.**

20 Q. Lieutenant. Oh. Is Lieutenant Bousman -- do you
21 know whether she had any discretion as to whether she
22 could have just provided training instead of doing a memo
23 of correction?

24 **A. Yes.**

25 Q. Did she tell you why she decided on a memo of

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1 correction as opposed to just maybe training?

2 **A. Oh, no, not to my knowledge, not that I can**

3 **recollect.**

4 **Q. There was a notation in one of the reports that**

5 **there was also an incident involving missing court back in**

6 **2011, but it doesn't look like you received anything**

7 **specific about that.**

8 **A. It was a bad week for me because I had a lost a**

9 **cell phone and missed court at the same -- pretty much the**

10 **same week, and Sergeant Bousman at that time handled both**

11 **situations and we covered it at the same time.**

12 **Q. And just for clarification, the memo of**

13 **correction only talks about the lost cell phone. It**

14 **doesn't talk about missing court, correct?**

15 **A. Correct.**

16 **Q. So she didn't include that in the memo of**

17 **correction?**

18 **A. Correct.**

19 **Q. So she had some discretion in deciding what would**

20 **be in the report and what wouldn't?**

21 **A. Correct.**

22 **Q. Did you think that was fair?**

23 **A. Yes.**

24 **Q. In 2012 you were exonerated on a complaint that**

25 **was made against you for a response to resistance. You**

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1 had a combative suspect at the jail, 4th Avenue Jail, and

2 I guess the Surprise police were involved. Do you recall

3 that incident?

4 **A. Yeah. We were called to our detention after an**

5 **inmate had assaulted our detention officers. Because our**

6 **detention officers were now victims in a crime, they could**

7 **not transport this individual down to the 4th Avenue Jail.**

8 **So they requested a unit to transfer them down.**

9 **I was riding as a two-person unit with**

10 **another officer that day so we answered up for it. When**

11 **we got down to the jails, we took him down to 4th Avenue.**

12 **He was combative in the back of the patrol car as we were**

13 **going down, and he was combative as we are trying to get**

14 **him into the 4th Avenue Jail. He spit in one of our**

15 **officer's face.**

16 **When we got him down into a holding cell, he**

17 **was requested to come out and go through medical, which is**

18 **a normal technique when we're down there. He refused to**

19 **come out of the cell. He wanted us to come to him. That**

20 **is a safety violation on all aspects.**

21 **Continued to refuse so we were forced to go**

22 **in there and try and grab him. As we went to go try to**

23 **grab him, he attempted to spit on the officer again, at**

24 **which point in time we grounded him, which is a technique**

25 **that we have as far as a control hold. As we grounded**

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1 **him, he received a laceration over his eye that required**

2 **medical attention.**

3 **4th Avenue refused him at that point in**

4 **time, and we had to take him to a hospital where he**

5 **received, I believe, a couple of stitches for the**

6 **laceration above his eye.**

7 **Q. You were exonerated on that one too?**

8 **A. Yes, I was.**

9 **Q. So they did an investigation and found that there**

10 **was no wrongdoing on your part?**

11 **A. Correct.**

12 **Q. And that was in 2012. Do you know who did the**

13 **investigation?**

14 **A. Officer Sergeant -- or not officer, but Sergeant**

15 **Aron Victor at that time.**

16 **Q. Was that your supervisor at the time?**

17 **A. He was not my direct supervisor. He was just a**

18 **supervisor that was on the lineup that day.**

19 **Q. So was Rachael Bousman your supervisor back in**

20 **2011?**

21 **A. No.**

22 **Q. She was just doing the investigation?**

23 **A. She may have been a part of the -- no, she wasn't**

24 **a part of PSU at that time. I don't know why Rachael**

25 **Bousman's name is on that one.**

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1 **Q. In 2014 you had another incident where someone**

2 **complained about resistance. It sounds like it was a**

3 **family fight. There were four officers involved.**

4 **A. Uh-huh.**

5 **Q. And you were also exonerated in that situation,**

6 **correct?**

7 **A. Yes, I was.**

8 **Q. And they did a full investigation and figured you**

9 **did no wrongdoing?**

10 **A. Correct.**

11 **Q. Do you know who did the investigation for that?**

12 **A. It started off with my direct supervisor, which**

13 **was Sergeant Starret.**

14 **Q. Did it go to PSU?**

15 **A. It did go to PSU.**

16 **Q. In another situation you had a complaint in 2014,**

17 **use of force complaint involving a Taser situation. I'm**

18 **just trying to jog your memory. It involved counterfeit**

19 **money.**

20 **A. Yes.**

21 **Q. And you were exonerated in that one as well?**

22 **A. Yes, I was.**

23 **Q. Do you know who did the investigation for that?**

24 **A. In 2014 I believe my sergeant was**

25 **Sergeant Washington at that time, but I may be wrong.**

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- 1 Q. Did that go to PSU?
- 2 A. Yes, it did.
- 3 Q. Do you know whether -- we talked about the fight
- 4 down at the 4th Avenue Jail.
- 5 A. Uh-huh.
- 6 Q. Did that go to the PSU?
- 7 A. I believe it did.
- 8 Q. Did the incident involving the lost cell phone go
- 9 to PSU?
- 10 A. No, it did not.
- 11 Q. Are you aware of any other complaints that were
- 12 made against you as a police officer other than the ones
- 13 we talked about?
- 14 A. Not to my knowledge.
- 15 Q. Are you aware of any officers that have ever
- 16 complained about you?
- 17 A. No.
- 18 Q. Do you think you were treated fairly in the
- 19 investigations that were made against you in regards to
- 20 these complaints?
- 21 A. Yes.
- 22 Q. Have you ever heard anyone call or refer to Matt
- 23 as Strong-Arm Schneider?
- 24 A. Never.
- 25 Q. As a result of the events involving the

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- 1 Wheatcrofts from everything that happened that day, were
- 2 you ever instructed or directed or recommended to undergo
- 3 any additional training?
- 4 A. No.
- 5 Q. Do you know if the NRS squad was -- underwent any
- 6 additional training after that related to this incident?
- 7 A. Not to my knowledge.
- 8 Q. Back in July of 2017 who was your supervisor?
- 9 A. Sergeant Donny Labrant.
- 10 Q. Was he your supervisor the whole time that you
- 11 were at NRS?
- 12 A. Yes, he was.
- 13 Q. Did you ever work with Sergeant Labrant as a
- 14 patrol officer?
- 15 A. No, I did not.
- 16 Q. Was your first time working with him when you
- 17 became a member of PSU -- or, I'm sorry -- NRS?
- 18 A. Yeah, that was my first encounter with him.
- 19 Q. Prior to working with the NRS, had you worked
- 20 with any other officers that were in NRS when you were on
- 21 patrol?
- 22 A. Officer Lewis. He and I went through the academy
- 23 together and kind of followed each other's careers from
- 24 squad to squad from time to time.
- 25 Officer Jeff Pittman was my third-phase

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- 1 officer in training. So when I was in my officer in
- 2 training right out of the academy he was my third-phase
- 3 field training officer.
- 4 Q. Did you ever work with Officer Schneider prior to
- 5 working with him at NRS?
- 6 A. No.
- 7 Q. When you were a patrol officer did you ever -- as
- 8 you can recall, did you ever respond to any instances that
- 9 Officer Schneider was involved?
- 10 A. No.
- 11 Q. With NRS, within the group, the 10 to 12 officers
- 12 that were in the NRS, were there officers that didn't want
- 13 to work with each other at times?
- 14 A. I'm sure at times, yes.
- 15 Q. Were there ever any conflicts between any of the
- 16 officers that you were aware of?
- 17 A. When I came into the squad I was made aware of
- 18 some conflicts prior to me coming in, but I kind of came
- 19 in and kept my nose on the grind and did my own thing.
- 20 Q. Is there a level of seniority among the officers
- 21 in NRS?
- 22 A. The only seniority that we have is by badge
- 23 number and time served on NRS.
- 24 Q. Is there anyone who takes the lead of the NRS
- 25 members?

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- 1 A. We're all self-sufficient.
- 2 Q. There's been some testimony from the other day
- 3 that Officer Schneider and Officer Pittman were pretty
- 4 close friends. Is that your understanding?
- 5 A. They worked together a lot.
- 6 Q. Do you know if they are friends outside of work?
- 7 A. To my knowledge, yes.
- 8 Q. Do you ever hang out with members of the NRS
- 9 squad outside of work for fun-related work activities?
- 10 A. Officer Lewis and I used to be friends and would
- 11 hang out from time to time.
- 12 Q. You say used to be. Are you not friends with him
- 13 anymore?
- 14 A. We took career paths that were different. We
- 15 both had different agendas in our careers which led us to
- 16 different paths.
- 17 Q. You just don't work together as much?
- 18 A. Correct.
- 19 Q. Are there any particular officers within NRS that
- 20 you were close to?
- 21 A. I was fairly close with all of them. Like I
- 22 said, when I came in, I just came in and did my job. I
- 23 rode with Office Pittman. I rode with Officer Schneider.
- 24 I rode with Tolbert, and I rode with Officer Lewis, and I
- 25 rode with all of the individuals on my squad.

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1 Q. You seem to get along well with all of them?

2 **A. Uh-huh.**

3 Q. Is that a yes?

4 **A. I play well with people, yes.**

5 MS. BROADDUS: I'm going to go a little bit
6 longer and then we'll take another break. Okay?

7 MR. POPOLIZIO: Okay.

8 BY MS. BROADDUS:

9 Q. Is that all right with you?

10 **A. Uh-huh.**

11 Q. I want to talk about the Wheatcroft incident
12 specifically that was in July of 2017 at the Motel 6.
13 What were you doing before you guys were behind the motel?

14 And by "you guys" I mean you and Officer
15 Schneider. You were in the same vehicle. What were you
16 guys doing before that?

17 **A. With the NRS squad we have certain areas that we**
18 **would dedicate as a squad to go to work, to be able to**
19 **work. They were kind of high-crime areas. So with NRS,**
20 **we're just kind of your typical patrol officers until a**
21 **project comes up. So we were on that day just patrolling**
22 **the downtown area.**

23 Q. Had you had any stops just prior to this?

24 **A. I wouldn't be able to answer that, to be honest**
25 **with you. It was towards the later part of our afternoon,**

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1 **so...**

2 Q. Is it fair to say as you sit here today you don't
3 recall if you were involved in another act --

4 **A. Correct.**

5 Q. -- before this stop?

6 **A. Before that stop, correct.**

7 Q. If you were going to be getting a room at the
8 Motel 6, if that's all you could afford and decided you
9 wanted to stay there, you would agree that you would
10 probably park in the parking lot, wouldn't you?

11 **A. Uh-huh. Yes.**

12 Q. And there's nothing illegal about that, correct?

13 **A. Nothing illegal about parking in the parking lot.**

14 Q. And there's nothing suspicious necessarily about
15 getting a room at the motel?

16 MR. POPOLIZIO: Form.

17 THE WITNESS: There's nothing suspicious,
18 no.

19 BY MS. BROADDUS:

20 Q. And there's nothing illegal or suspicious about
21 using money to pay for a hotel room, correct?

22 MR. POPOLIZIO: Form.

23 THE WITNESS: No.

24 BY MS. BROADDUS:

25 Q. And there's absolutely nothing illegal about

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1 parking into a parking spot, correct?

2 MR. POPOLIZIO: Form.

3 BY MS. BROADDUS:

4 Q. In the parking lot.

5 **A. There's nothing illegal about parking in a**
6 **parking lot.**

7 **We have a, kind of a partnership with the**
8 **management of Motel 6. Motel 6 is a high-crime area.**
9 **Those crimes involve drug deals, gang activities, stolen**
10 **vehicles, burglaries from vehicles, family fights,**
11 **overdoses.**

12 **So the Motel 6 and the Glendale Police**
13 **Department kind of -- I don't want to say created a**
14 **partnership, but we had what was called a blanket trespass**
15 **form. That blanket trespass form, which is signed by**
16 **management, authorizes the Glendale Police Department to**
17 **make contact with individuals within their facility, which**
18 **includes the parking lot, to ensure that the occupants**
19 **that are staying at that motel are safe. It gives us the**
20 **right to make an arrest, if need be, without having to**
21 **contact the motel management. It kind of is an**
22 **authorization form for us to take any police actions**
23 **that's needed. The reason why they have that is because**
24 **of the high crime and the high-call volume that comes in**
25 **and out of their Motel 6.**

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1 **So to elaborate on that, if I see an**
2 **individual walking down the street or walking down the**
3 **parking lot, Motel 6 is authorizing us to at least stop**
4 **and talk to them, find out if they're staying there, find**
5 **out if -- if they are staying there what room they're**
6 **staying in, find out the purposes for their reasons being**
7 **there.**

8 Q. Would you agree that it sounds like it's probably
9 not one of the more enticing places that someone would
10 want to stay, is this Motel 6 in Glendale?

11 **A. During Glendale Glitters, which is a holiday**
12 **event that we hold at the downtown area, we would**
13 **sometimes often go through the Motel 6, and if we'd see**
14 **people who were -- you just know that they're kind of lost**
15 **and looking for a place to stay. We would educate them on**
16 **the area and educate them on the purpose for us being**
17 **there. Because they would always approach us and ask, why**
18 **do we see so many police officers in this parking lot? Is**
19 **this safe?**

20 **And we would educate them of the reasons why**
21 **we were there.**

22 Q. So you would probably not expect to see somebody
23 there who could afford to stay somewhere nicer or in a
24 better area?

25 **A. No. We've had people who could afford better**

153

1 **A. Correct.**
 2 Q. Could you see -- from when you were turning into
 3 the back alley could you see traffic on Glenn Drive that
 4 was west of 59th Avenue?
 5 **A. No.**
 6 Q. So you couldn't see the Ford Taurus, correct?
 7 **A. I never saw the Ford Taurus in that area, no.**
 8 Q. And you couldn't see whether there was any other
 9 traffic over there, true?
 10 **A. True.**
 11 Q. And Officer Schneider was with you, correct?
 12 **A. Correct.**
 13 Q. From your location where you were coming from
 14 going south on 59th Avenue, is there any way for you or
 15 Officer Schneider to see traffic on Glenn Drive between
 16 59th Avenue and the turn-in for the motel parking lot?
 17 MR. POPOLIZIO: Objection: Form;
 18 foundation.
 19 THE WITNESS: I can only answer for myself
 20 and say as a passenger I did not see any other traffic.
 21 BY MS. BROADDUS:
 22 Q. There's a big building there, correct?
 23 **A. Correct.**
 24 Q. And you can't see through the building, true?
 25 **A. True.**

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1 Q. When the Ford Taurus turned in and you first saw
 2 it, you didn't see any moving traffic at that point,
 3 correct?
 4 **A. Can you repeat the question?**
 5 Q. Sure. When you first saw the Ford Taurus, you
 6 didn't see any other traffic moving, did you?
 7 MR. POPOLIZIO: Form.
 8 THE WITNESS: No.
 9 BY MS. BROADDUS:
 10 Q. Did you see any other traffic at all other than
 11 parked vehicles?
 12 **A. My focus was down the back alleyway.**
 13 **As a two-person unit with the NRS squad,**
 14 **what we would do is, as I kind of explained prior, is**
 15 **my -- my scope is a little bit different than the driver's**
 16 **scope.**
 17 **In this back alleyway we have several**
 18 **dumpsters that we have got drug deals going down. We have**
 19 **several parking lots over here where we have had broken-in**
 20 **vehicles, drug deals going down, transients coming in and**
 21 **out.**
 22 **As we're heading back down this alleyway, my**
 23 **focus is down here. My vision and my focus is down here**
 24 **to see if I see anything down here.**
 25 Q. All right. And I just want to clarify because I

155

1 know what you're saying when you say "down here," but when
 2 we read it later we're not going to know.
 3 **A. Okay.**
 4 Q. So I'm just going to clarify.
 5 **A. Uh-huh.**
 6 Q. What you're saying is when you entered the back
 7 alley on the north side of the motel --
 8 **A. Correct.**
 9 Q. -- that when you turned in there's a parking area
 10 off to your left after you pass the building, correct?
 11 **A. Correct.**
 12 Q. If you keep going forward there's several
 13 dumpsters and other areas that you patrol routinely
 14 because of high crimes that happen -- or a lot of crime
 15 that happens there, correct?
 16 **A. Correct.**
 17 Q. So when you said you were down here, you're
 18 talking about behind the building that has the circle in
 19 it, the swimming pool, correct?
 20 **A. My focus is to the west of the entryway parking**
 21 **lot.**
 22 **Q. What drew your attention to the Ford Taurus?**
 23 **A. I didn't have an attention drawn to it. Officer**
 24 **Schneider said that he observed a traffic violation.**
 25 **Q. What did he tell you he saw?**

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1 **A. He said he saw the car turning without a blinker.**
 2 **Q. And did he explain to you how he saw that?**
 3 **A. No. He just said that he saw the violation.**
 4 Q. Did you recognize the Ford Taurus from anywhere?
 5 **A. No.**
 6 Q. And my understanding, after reading some of the
 7 interviews, is Matt say, "Hey, let's check them out." Is
 8 that your understanding?
 9 **A. I believe he made the statement, and I can't say**
 10 **verbatim what it was, but, I'm going to stop this vehicle.**
 11 Q. And I think you mentioned earlier that as soon as
 12 there's something going to happen you activate your body
 13 camera as soon as you know there is going to be something
 14 going on pretty much, correct?
 15 **A. Correct.**
 16 Q. So when Officer Schneider mentioned to you, hey,
 17 let's check out this vehicle, whatever you're going to do,
 18 you activate your body camera, correct?
 19 **A. Correct.**
 20 Q. When you first pulled up to the car, lights and
 21 sirens were not activated, correct?
 22 **A. Correct.**
 23 Q. Do you know why?
 24 **A. Because the car dictated us to take a stop**
 25 **quicker than what was normal for a traffic stop to be**

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1 initiated.

2 Q. What do you mean by it dictated that?

3 A. The car appeared to want to take left-hand turn
4 into a spot where there was an open spot. It changed
5 directions and it immediately backed up into a parking
6 spot. That, to us, is kind of an indication, if you will,
7 that there may be something more going on. We have stolen
8 vehicles that try to hide license plates. Because of
9 their quick evasive moves, it kind of pushed our evasive
10 moves up a little bit, which, again, didn't activate the
11 lights or -- or that. But the traffic stop was initiated
12 at that time.

13 Q. There were obviously other cars in the parking
14 lot, correct?

15 A. Yes, there was.

16 Q. Is it fair to say you don't really know why they
17 backed in?

18 A. It's fair to say.

19 Q. And it may have been their intention to back in
20 the whole time. You just don't know as you sit here,
21 true?

22 A. True.

23 Q. So when you said that you thought they were going
24 to park off to the other side and backed in, you don't
25 know whether they were actually ever intending on parking

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1 on the other side or whether they were planning on backing
2 in the whole time?

3 MR. POPOLIZIO: Form.

4 THE WITNESS: It appeared as if the car past
5 the parking spot that it ended up backing into. It
6 appeared as if that car was making an evasive turn into a
7 left-hand spot. When we were parallel with that vehicle,
8 the vehicle changed its directions of its wheel causing it
9 to reverse. He was already past that spot so had to make
10 evasive moves to get back into a spot versus a fluid
11 motion.

12 BY MS. BROADDUS:

13 Q. So you're saying his backing in wasn't very
14 fluid?

15 A. It wasn't very fluid.

16 Q. But you would agree that you'd have to pass the
17 parking spot before you could back into it, true?

18 A. True.

19 Q. Did you assume that there was something illegal
20 going with that vehicle?

21 A. Repeat the question, please.

22 Q. Sure. Did you assume that there was something
23 going on that was illegal with the vehicle or the
24 passenger in the vehicle?

25 A. I assumed that Officer Schneider observed a

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1 traffic violation and that was the purpose for the stop.

2 Q. You did not see any traffic violation. Is that a
3 fair statement?

4 A. I personally did not, no.

5 Q. When you first arrived at the vehicle and were
6 getting out of your car, did you have any reasonable
7 suspicion of illegal activity?

8 A. At that time, no.

9 Q. No probable cause either at that time, correct?

10 A. Well, we have the traffic violation.

11 Q. And you were relying on Matt Schneider for that,
12 correct?

13 A. Correct.

14 Q. Because you did not see anything?

15 A. Personally I did not.

16 Q. Did you make any assumption as to whether or not
17 they were going to be getting a room there?

18 A. Based on my conversation off of the traffic stop
19 at that time.

20 Q. Is it fair to say that when you arrived there and
21 were getting out of your car and you saw this vehicle with
22 people in it, that you didn't know they were just going
23 there to have some quality family time together with the
24 kids?

25 A. I can't say that's -- yeah, I can't say yes or no

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1 on that.

2 Q. You didn't know?

3 A. I don't know.

4 Q. You didn't know that they went to the candy store
5 right before that to get candy for the kids so the kids
6 could go swimming?

7 MR. POPOLIZIO: Form; foundation.

8 THE WITNESS: No.

9 BY MS. BROADDUS:

10 Q. Would you agree that the passengers in the
11 vehicle are citizens that Glendale police officers are
12 obligated to protect and serve?

13 A. Yes.

14 Q. Why do you think so?

15 A. Because whether you're a passenger or a driver or
16 a pedestrian or a cyclist, a jogger, a walker, if you're
17 in the city of Glendale we're there to protect and serve
18 you.

19 Q. Do you personally know why Matt went directly to
20 the passenger side of the vehicle?

21 A. It was the safer approach.

22 Q. Did you have any conversations with him about
23 that?

24 A. No. But it's through the training that we go
25 through. Through the training that we receive at the

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1 Arizona Law Enforcement Academy and through the continuous
2 training that we do on vehicle approaches, we are taught
3 to not walk in front of the vehicle because that presents
4 a hazard to us as officers. So we take the direct line.

5 Q. You mentioned earlier the car was backed in,
6 correct?

7 A. Correct.

8 Q. And that's not uncommon for people to back into
9 parking spots, true?

10 A. It's not uncommon.

11 Q. And actually, are you aware of studies that have
12 said it's actually a safer way to park because you can
13 see, when you're leaving, more stuff than when you're
14 backing out?

15 MR. POPOLIZIO: Objection: Form;
16 foundation.

17 THE WITNESS: I've never seen those studies.

18 BY MS. BROADDUS:

19 Q. Do you get calls as a police officer for parking
20 lot mishaps? Do you respond to those?

21 MR. POPOLIZIO: Form.

22 THE WITNESS: We respond to them, but we
23 don't take them because they're private property.

24 BY MS. BROADDUS:

25 Q. Would you say that the majority of those parking

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1 lot incidents involving vehicles are from somebody backing
2 out and hitting somebody?

3 MR. POPOLIZIO: Form; foundation.

4 THE WITNESS: We take all the calls for
5 service. I can't pinpoint how many we take because of
6 people backing out. I don't have --

7 BY MS. BROADDUS:

8 Q. But you have seen that?

9 A. I have seen that, yes.

10 Q. When you went up to the -- well, when you
11 approached the car, what was the first -- what did you
12 notice about the car? Anything? Anything that stood out?

13 A. The fact that he wasn't able to successfully back
14 into his spot without some difficulties, and that the
15 driver appeared to be nervous to me.

16 Q. He appeared what?

17 A. Nervous to me.

18 Q. Okay. What was your intention when you
19 approached the vehicle?

20 A. To ask for the driver's license from the occupant
21 of the driver's side.

22 Q. And did you?

23 A. Yes.

24 Q. And did he provide you with a driver's license?

25 A. No, he did not. He said he does not have a

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1 driver's license.

2 Q. Did he provide you with anything?

3 A. He said he had an identification card on him
4 only.

5 Q. Did he provide you with that ID card?

6 A. To my knowledge, yes. That indication to me that
7 he does not have a driver's license means one of two
8 things. That means that he's never been issued a valid
9 driver's license, which is required by ADOT to drive, or
10 he has had his driver's license suspended, which takes
11 this from a civil traffic stop to a criminal stop, because
12 driving on a suspended license is a Class I misdemeanor.

13 Q. And you didn't know at that time which it was,
14 correct?

15 A. No. I just know that he did not have a driver's
16 license, which again, allows us to, if we wanted to --
17 it's at the discretion of an officer -- to tow that
18 vehicle because there is no valid driver's license.

19 Q. That's all because of the actions of the driver,
20 correct?

21 A. Correct.

22 Q. When you were communicating with the driver of
23 the car and getting the information, could you hear the
24 conversations between Officer Schneider and
25 Mr. Wheatcroft?

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1 A. I could hear conversation happening. I could not
2 hear the exact words that were being exchanged between the
3 two of them at the very start.

4 Q. What do you mean by "at the very start"? Did you
5 start hearing things later?

6 A. I started hearing Matt saying, stop tensing up,
7 stop reaching in for the bag. I even asked the driver at
8 that time how he knew the passenger and why the passenger
9 was being -- I don't know the exact words that I was
10 using, but more or less resistant.

11 Q. Did you know why -- based on what you were
12 hearing and seeing, did you know what Matt was
13 communicating about?

14 A. We as officers who work together on a daily basis
15 know each other's tones, we know each other's faces. I
16 had worked alongside Matt long enough to know that his
17 voice reflection had changed from being, hey, this is the
18 traffic violation to stop reaching into a bag. Those are
19 some of the cues that we as officer pick up on from time
20 to time, especially those officers that have worked
21 together side by side.

22 When I started hearing his voice reflection
23 change a little bit was the reason why I had asked the
24 driver how he knew the individual and why was the
25 individual acting the way he was acting.

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1 Q. Do you know why Matt's voice was changing at that
2 time?

3 A. Because he had asked him a couple of times not to
4 reach into, I believe, a backpack.

5 Q. Did you see Mr. Wheatcroft reach into any
6 backpack?

7 A. My focus was on the driver, still trying to get
8 information from the driver. Anya Chapman, who was in the
9 back seat, requested that she step out because it was hot.
10 I granted her that access to step out. So my attention at
11 that point in time was to an occupant who was outside of
12 the vehicle and the driver who is still yet to be
13 identified.

14 Q. So you did not see Mr. Wheatcroft reach into any
15 backpack?

16 A. I could only hear Officer Schneider say stop
17 reaching into it.

18 Q. But you didn't see it?

19 A. I didn't see it.

20 Q. Before you went over to the passenger side of the
21 car, did you see Mr. Wheatcroft do anything illegal? Did
22 you witness anything?

23 A. I just continued to hear Officer -- to answer
24 your question, no, but I continued to hear Officer
25 Schneider saying, stop tensing up and stop reaching for

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1 it.

2 Officer Schneider requested my assistance on
3 that side based on the totality of circumstances with him
4 being noncompliant.

5 Q. You're saying he was noncompliant. Why are you
6 saying he was noncompliant?

7 A. Because he was continuously reaching for an
8 unknown object, in our opinion, in a bag that we don't
9 know what's inside. He had already indicated that he did
10 not have a driver's license on him or an ID on him. So at
11 that point in time, he continuously reaches for his bag or
12 for the middle console. It's the unknown to us. He's
13 already identified to us that he doesn't have an
14 identification. So what else would he be possibly
15 reaching for?

16 That's kind of what goes through our heads.

17 Q. So you didn't actually see him reaching anything,
18 correct?

19 A. No.

20 Q. Is it fair to say you don't know whether he
21 complied when he stopped reaching, when Officer Schneider
22 said to stop reaching?

23 Is it a fair statement that you do not know
24 whether he did or not?

25 A. I'm going off the verbal conversation that he is

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1 having with the individual to say, stop doing what you're
2 doing. So it is a fair statement to say that there was
3 something going on. I just didn't see what was happening.

4 But I put my trust in an officer who's
5 saying, stop reaching for something, as to be a possible
6 threat.

7 Q. So you were relying on Officer Schneider and what
8 he was saying for what your actions were? Is that what
9 you're saying?

10 A. Correct.

11 MS. BROADDUS: I think now would be a good
12 time for a break.

13 MR. POPOLIZIO: Sure.

14 (The deposition was at lunch recess from
15 1:20 to 2:57 p.m.)

16 BY MS. BROADDUS:

17 Q. Back on the record.

18 Earlier we were talking about -- and I had
19 you make a diagram that is in front of you. It's on a
20 yellow piece of paper. Do you see that?

21 A. Yes.

22 Q. I'm going to go ahead and have this one marked as
23 well as an exhibit.

24 (Deposition Exhibit No. 15 was marked for
25 identification.)

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1 BY MS. BROADDUS:

2 Q. Officer Lindsey, before the break we were talking
3 about some of the events that were happening that day in
4 July of 2017.

5 A. Uh-huh.

6 Q. And at some point you were -- well, you were
7 originally at the driver's side of the vehicle, correct?

8 A. Correct.

9 Q. And at some point you went around to the
10 passenger side, correct?

11 A. Correct.

12 Q. Why did you go to the passenger side of the
13 vehicle?

14 A. At the request of Officer Schneider.

15 Q. Did he tell you? Did he wave to you?

16 A. He said that this guy is getting -- this guy
17 is -- I don't know the exact words he was saying, but more
18 or less this guy's tensing up. I think he's going to try
19 and fight. So at that point in time I transitioned from
20 the driver's side over to the passenger side to assist.

21 Q. And at that point did Officer Schneider already
22 have his hands on the passenger?

23 A. He had a control hold on him.

24 Q. The car door was open at that point?

25 A. Yes.

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1 Q. Do you know why the car door was open?

2 A. He was attempting to gain compliance and control

3 of him to stop having him reach wherever he was reaching

4 into. So he had opened up the door to try to gain that

5 compliance.

6 Q. Is that something he told you?

7 A. No.

8 Q. And what do you base that testimony on?

9 A. Just off of practices and past calls.

10 Q. I want to play some video.

11 A. Uh-huh.

12 Q. We're going to start with -- actually, it's your

13 body-cam video.

14 A. Okay.

15 Q. Start at 25.

16 MS. THOMPSON: Seconds?

17 MS. BROADDUS: And we're starting it at 25

18 seconds in. 20 seconds in is fine.

19 MS. THOMPSON: All right.

20 (Video played.)

21 BY MS. BROADDUS:

22 Q. So this is your body cam; is that correct?

23 A. Yes.

24 Q. I'm just going to have you watch this for a

25 second. And you just got out of the car, correct?

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1 A. Yes.

2 Q. And you're walking towards the car, correct?

3 A. Yes.

4 Q. Do you know why you're stopping right there and

5 not going directly to the passenger's side?

6 A. I'm trying to assess the situation. He's already

7 up there making contact with -- with the vehicle. There's

8 still a few unknowns that are occurring.

9 MS. BROADDUS: Keep playing it.

10 (Video played.)

11 BY MS. BROADDUS:

12 Q. Do you know why you were waving at Officer

13 Schneider at that point?

14 A. I was waving at the kids in the back seat.

15 Q. Okay.

16 (Video played.)

17 BY MS. BROADDUS:

18 Q. At this point you're just -- you testified

19 earlier he didn't have a driver's license, but he had an

20 ID and he gave you his ID; is that correct?

21 A. I believe so, yes.

22 Q. Do you know what you're writing at this point?

23 A. I'm writing down -- I'm not writing anything at

24 that point in time. I'm just going to be writing his

25 name.

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1 I don't believe he's provided me with an ID

2 card yet. If we want to rewind it, we can, but I don't

3 believe he's provided me with an ID yet.

4 MS. BROADDUS: Keep playing.

5 (Video played.)

6 BY MS. BROADDUS:

7 Q. Are you filling out a form or are you using your

8 notepad at this point?

9 A. I'm using what's called a -- he does have his ID

10 there so I'm writing down his name.

11 Q. So we are stopped at a minute 43 in, and you can

12 see just kind of a corner of a card. You believe that's

13 his ID card?

14 A. That's his identification card right there.

15 Q. So you're writing down his identification?

16 A. I'm writing down his name, correct.

17 Q. Are you writing that on your notepad or on a --

18 A. A three-by-five card.

19 Q. And what do you do with a three-by-five card?

20 A. Well, the ID has to be provided back to the

21 individual. So I write the name down so when I go do

22 either my report or my field interview or my log notation,

23 or whatever, I have the name and information.

24 What's not on driver's licenses is sometimes

25 corrected addresses. Sometimes there's an address on an

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1 identification card that is not the right address. Social

2 Security numbers are not on identification cards nor are

3 phone numbers. So we use our three-by-five cards to write

4 down important information. So when we go back and

5 document that contact with that individual we've got full

6 information.

7 Q. This is for the driver of the vehicle who

8 supposedly did the violation for the turn signal, correct?

9 A. Correct.

10 Q. And were you planning on writing him a ticket?

11 A. At that point in time I don't -- I can't say that

12 I was planning or not planning to write him a ticket. It

13 was a -- at that point in time, in our history when we see

14 somebody who has just provided us with an identification

15 only card, that means one of two things, usually. That

16 means that they have never received a proper driver's

17 license or that they have had their driver's license

18 suspended.

19 So it takes it, the traffic stop, from a

20 civil situation to a criminal situation. Doesn't mean

21 that an arrest is going to be made or a ticket is going to

22 be issued. It just takes it to that next level.

23 Q. And is something like a -- a situation like this

24 where someone only has an ID and doesn't have a driver's

25 license, is that something you would normally take some

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1 kind of action for, either arresting them or writing them
2 a citation?

3 **A. If, during my investigation, I find out that the**
4 **individual has a suspended license, I have the discretion**
5 **of either issuing a citation, which is a criminal**
6 **citation, or I have the decision of making an arrest. We**
7 **can do either/or.**

8 Q. If you give them a citation, do you normally
9 include the turn signal violation as well?

10 **A. Yes.**

11 Q. So if you gave him a ticket for a turn signal
12 violation and for, let's say, not having a driver's
13 license or proper identification, would you be the officer
14 that would go to court?

15 **A. Well, actually, in this situation here, since**
16 **Officer Schneider was the one who originally saw the**
17 **traffic violation, I would have him write out the citation**
18 **if he chose to do the criminal cite with that as well,**
19 **because he would have to be the one who goes to court and**
20 **testifies on the traffic violation. I would only be able**
21 **to testify that in my conversation with him that I came**
22 **across him being with either a suspended or no license.**

23 Q. So it's fair to say that you wouldn't be able to
24 testify about an alleged turn signal violation, but you
25 could testify about the identification issue?

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1 **A. Correct.**

2 Q. Before Officer Schneider put his hands on the
3 passenger, did you -- well, did you actually see when he
4 started putting his hands on the passenger?

5 **A. No, not the original time.**

6 Q. Did you see -- what is your understanding as to
7 why Officer Schneider put his hands on the passenger?

8 **A. At several requests to stop reaching into a bag.**
9 **At that point in time, there's a -- you can only**
10 **speculate, but the individual who was not complying with**
11 **that is not complying for a certain reason. We don't know**
12 **what the reason is, but we have to assume that whatever is**
13 **inside that bag is going to harm us.**

14 **So what we try to do is control the**
15 **situation as quick as we can up front so it doesn't**
16 **escalate to a situation that gets out of control. So if**
17 **we can go hands-on with somebody to get the situation**
18 **under control right away, we would rather do it that way.**
19 **It creates less injury to everybody.**

20 MS. BROADDUS: Let's go to the motel video.

21 THE WITNESS: And I don't know if I'm able
22 to interject or not, but at about time 54 you asked why I
23 was walking up so slow, and I didn't get a chance to
24 answer that.

25 MS. BROADDUS: Go ahead.

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1 THE WITNESS: If we could go back to the 54
2 mark, please.

3 (Video played.)

4 THE WITNESS: The question is -- and if you
5 can please pause it here for me.

6 The question is why was I walking up so
7 slow. Many different factors; you've got still the
8 unknown with traffic coming in.

9 As I approach it is not normal for doors to
10 open up. I have a back passenger door opening up, and I
11 have a driver's side door opening up. That creates what
12 we call a fatal funnel. If I get in too close into a
13 situation, into a person, into a house, into a vehicle
14 stop, if I get too close into that, it's called a fatal
15 funnel. At that point in time I'm in a no-win situation
16 if a gun pops out. I'm in a gun battle at that time. And
17 I'm too close where I can't get the distance from me.

18 So on our approach, if the vehicle doors had
19 remained closed, it's a normal traffic stop. Where it
20 took it from a non-normal traffic stop in my mind and my
21 mind-set from my training, is that when two doors open up
22 and people try to get out of the vehicle, I'm now in that
23 fatal funnel where I have no point of return.

24 So as I approach and I see two doors open
25 up, it makes me stop in my tracks, assess the situation.

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1 It makes me kind of do a head count of who's in that
2 vehicle, and then it also makes me open up my eyes a
3 little bit more for my whereabouts and my surroundings.
4 Because if someone was to pop out of that vehicle and have
5 a gun or come charge at me, if I'm right up on that door,
6 I'm too close.

7 So that was the -- that was the purpose for
8 my ease approach, if you will.

9 Q. So you were being more vigilant when you
10 approached?

11 **A. Correct.**

12 Q. Do you know whether or not the car was on or off
13 when you approach?

14 **A. I believe it was still on.**

15 MS. BROADDUS: I'm going to switch videos.
16 Let's go to Schneider's video, please.

17 MS. THOMPSON: Okay.

18 (Video played.)

19 BY MS. BROADDUS:

20 Q. So at this point there's silence still --

21 **A. We're still in that buffer zone.**

22 Q. Gotcha. And right now we're at the 30-second
23 mark, and that's when you said the buffer zone ends, the
24 audio starts, correct?

25 **A. From the time that I hit the button on my body**

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cam, it starts recording from that time, but it goes back 30 seconds for a buffer zone where there's no volume.

The purpose for that is if, let's say, I come up on a consensual or even on an investigative stop, I come up to somebody and the fight is immediately on, just because I've hit that timer, that may not catch the reason why the fight came on. So it goes back 30 seconds as far as the recording is concerned so they can capture what led up to that incident. So that's why there's this 30-second buffer.

Q. So there's a 30-second buffer from -- I'm a little confused, because I think you said earlier when an event starts both the recording and the audio, when you hit the bottom the audio starts 30 seconds in.

A. Correct. The audio -- as soon as that button is pressed, it goes live. The camera system will roll back 30 seconds and capture video only, not audio to -- to capture -- and the purpose for that is, hypothetically let's say I get into a shooting. And right after the shooting I hit my camera to record my interaction with this individual and they come to me and say, why did you shoot this individual? And I say, "Well, they pulled a gun out on me." 30 seconds are played back so they can see whether or not that gun was pulled out on me.

Q. So is your camera recording the whole time?

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A. It's not recording the whole time, no. The only time it's recording is, again, when you hit that button, it starts the live recording at that point in time, but with a 30-second buffer backwards.

(Video played.)

BY MS. BROADDUS:

Q. Now we are at the 56-second mark. Earlier you had testified that when you walk up to a car after a stop one of the things you point out is what the issue is, correct?

A. Uh-huh.

Q. Is that a yes?

A. Yes. Sorry.

Q. So Officer Schneider here says, Hey, when you pull in, turn your turn signal on, correct?

A. Correct.

Q. And we can only assume because you can't see from the video that he must be talking to the driver, not the passenger?

A. Correct.

(Video played.)

BY MS. BROADDUS:

Q. So at that point -- we're at 1:14, but a few seconds before you hear Mr. Wheatcroft ask, why do we need to provide ID? Did you hear that?

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A. Yes.

Q. Is it a fair statement up to this point there was no need to provide an ID?

A. At that point in time, no.

(Video played.)

BY MS. BROADDUS:

Q. Now we're at 1:22 mark, and Officer Schneider is at the rear of the car. Can you please explain why -- your understanding why he went to the rear of the car.

A. Correct. The suspicious activity that kind of arose with this is, again, the vehicle pulling in back -- although there is no law that says you can't back into a vehicle [verbatim], it prevents us from running a plate or at least being able to put a plate out to the dispatchers to say this is what we're out with.

If we put out a plate to dispatch, they're able to run it for us real quick and let us know if it's a valid plate, if it's a stolen car, or whatnot.

Because the vehicle backed in, we weren't able to see the license plate. So Officer Schneider walked to the back of the vehicle so he could at least look at the plate and put the plate out over dispatch and let dispatch know what we were doing.

Q. And you would agree so far -- we're at the 1:22; I'm going to go back to 1:16.

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When he goes back to the back of the car so far Johnny has not done anything that would require him to provide any identification for the officer, correct?

A. That is correct. And at that point in time Johnny also has the ability -- if he doesn't want to be a part of this traffic stop anymore, that he has the ability to get out of the vehicle.

Q. Right now we're at 1:26 where Officer Schneider is still at the back of the vehicle. Other than requesting ID, Officer Schneider has not made any demands or request to Mr. Wheatcroft?

A. No, but that is a common question that we ask everybody on a traffic stop or when we dealing with somebody, is, do you have any identification on you? That is a common question that we ask.

Q. Would you agree so far that Johnny has not been noncompliant?

A. At this point in time he's been compliant.

(Video played.)

BY MS. BROADDUS:

Q. So now we're at the 1:35 second and the only thing we heard him say between that time is, "Hold on a minute," correct?

A. Correct. But I don't -- I would not be able to depict who he's talking to, because Anya Chapman is

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1 wearing a seat belt in the parking lot, correct?

2 MR. POPOLIZIO: Form.

3 THE WITNESS: It is to my knowledge that
4 this is one continuous motion from a public drive -- or a
5 public street into a private drive. So it wasn't them in
6 just a parking lot hanging out, which would then say he
7 did not have to have his seat belt. But because the
8 vehicle was in one swift motion from the private -- from
9 the street to a private drive, it is one continuous
10 motion, again, to my knowledge, and I'm not a traffic guy,
11 that would be my understanding.

12 BY MS. BROADDUS:

13 Q. At what point when you enter a parking lot are
14 you allowed to take your seat belt off if you're on
15 private property?

16 A. I can't answer that. I don't know what
17 parameters there is.

18 Q. The vehicle was in park, correct?

19 A. Correct.

20 Q. And they're in a parking spot, correct?

21 A. Correct.

22 Q. It would make sense that if you're parking and
23 getting in -- and you park your vehicle -- and you stop a
24 vehicle and you're intending to go into a building that
25 you would take your seat belt off, correct?

186

1 A. Correct.

2 Q. And you couldn't see the male or female parts of
3 this, correct, of the seat belt?

4 A. That is correct.

5 (Video played.)

6 THE WITNESS: Right there he's crunching
7 over. He's not looking at the officer. He's disengaged
8 with his conversation with the officer.

9 BY MS. BROADDUS:

10 Q. Why is Officer Schneider opening the car door?

11 A. Because of his actions.

12 Q. Did he do anything illegal?

13 A. The reasonable suspicion that he is trying to
14 evade an officer by not looking at him, by hunching over,
15 by already reaching into a bag. It's the totality of the
16 circumstance. Although Officer Schneider said only
17 once -- had to say it once, don't reach in that bag, it's
18 the totality of the situation. It is the original
19 reaching into the bag. It is then the actions of him. It
20 is the turning away from him. It is the crouching over.
21 So it's not just one action. It's the totality of
22 everything that, again, creates an officer safety.

23 Q. Officer Schneider is more or less behind the
24 door, correct?

25 A. He has the fatal funnel, correct.

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1 Q. Right. So for Johnny to be facing him, he would
2 have to actually be up and turning around.

3 A. Well, when he was originally talking to him, he
4 was slighted that way, at an angle, talking to him. And
5 then he moved his body position in a way where
6 Officer Schneider is no longer able to see a full spectrum
7 of what is there. Again, a gun could be in a waistband.
8 A gun could be under the seat. A gun can be in the map
9 pocket of the door. It could be anywhere --

10 Q. It could be in the back seat?

11 A. It could be in the back seat, correct.

12 Q. It could be someone else in the back seat doing
13 something?

14 A. And if Wheatcroft was reaching into the back
15 seat, it would be a different story, but he's not. He is
16 lunging in a forward motion.

17 Q. Is he doing anything illegal at this point?

18 MR. POPOLIZIO: Form.

19 THE WITNESS: Nothing illegal, but he's
20 being suspicious.

21 BY MS. BROADDUS:

22 Q. Is he noncompliant at this point?

23 A. Yes. There's a verbal noncompliant because he is
24 asking him that he can do this one of two ways, the easy
25 way or the hard way. His actions here start to raise the

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1 level of noncompliant. He's turning his body away from
2 him. His -- his voice -- his voice escalation. His
3 actions here -- it's not getting into psychological
4 intimidation, but it is getting into the noncompliant
5 situation.

6 Q. So so far Johnny's been sitting in the car in the
7 passenger seat. He's indicated he doesn't want to talk to
8 the officer and give information, correct?

9 A. Correct.

10 Q. And the officer asked him not to reach in his
11 backpack, and he complied with putting his backpack down,
12 correct?

13 MR. POPOLIZIO: Form.

14 THE WITNESS: Correct.

15 BY MS. BROADDUS:

16 Q. And now you're saying that because he's leaning
17 forward and has his back towards the officer, that this is
18 now reasonable suspicion for the officer to open the car
19 door?

20 A. There is at this point in time reasonable
21 suspicion that we need to control the situation before it
22 escalates, yes.

23 (Video played.)

24 BY MS. BROADDUS:

25 Q. You just heard Officer Schneider say, I don't

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1 want you to stuff anything down in the seat. In this
2 frame you can see that Johnny's hands are not stuffing
3 anything down the side of the seat. They're actually
4 holding money, correct?

5 MR. POPOLIZIO: Objection; form.

6 THE WITNESS: I don't know if that's money.

7 MR. POPOLIZIO: Let the record reflect that
8 in the last question that was asked we were at 2:22 --

9 MS. BROADDUS: Correct.

10 MR. POPOLIZIO: -- in the freeze frame.

11 BY MS. BROADDUS:

12 Q. Now I'm going to freeze the frame at 2:26. And
13 Johnny has both hands in view, correct?

14 **A. Correct.**

15 Q. And you see something in his left hand?

16 **A. Correct.**

17 Q. Could you tell what that was when you watched the
18 video?

19 **A. It appeared to be money.**

20 **Q. So so far he's listened to everything the officer**
21 **said, correct?**

22 MR. POPOLIZIO: Form.

23 THE WITNESS: No.

24 BY MS. BROADDUS:

25 **Q. The officer asked him not to stuff anything down**

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1 the seat. He said okay. You see his hands, correct?

2 **A. Correct.**

3 **Q. He's complying, correct?**

4 **A. The actions that he is taking is what's**
5 **escalating the situation.**

6 **Q. Officer Schneider's actions, correct?**

7 **A. No.**

8 Q. Why at this point -- is Johnny being detained at
9 this point?

10 **A. No, he is not being detained at that point. What**
11 **he is doing at that point in time is creating a tactical**
12 **advantage for him so he can see inside that vehicle to**
13 **ensure that Mr. Wheatcroft is not reaching for anything**
14 **that may harm him or anybody else inside that vehicle.**

15 Q. So he could do that with any passengers in the
16 car, correct?

17 If somebody was leaning forward in a car in
18 this situation, any person who's leaning forward in a car
19 in this position, an officer has a right to go ahead and
20 open up the door and grab the person, correct?

21 MR. POPOLIZIO: Form.

22 THE WITNESS: You're asking any situation.
23 I can't answer that question.

24 (Video played.)

25

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1 BY MS. BROADDUS:

2 Q. So far the officer has not given him any
3 instructions to get out of the car, correct?

4 **A. We don't have to have somebody get out of the car**
5 **to control the situation.**

6 Q. He's got one foot outside the car, correct?

7 **A. Correct.**

8 Q. He's got a hand -- he's got one hand on his knee,
9 correct?

10 **A. Correct.**

11 Q. He's got a seat belt still over his shoulder,
12 correct?

13 **A. Correct.**

14 Q. And he's still got his other hand in sight,
15 correct?

16 **A. Correct.**

17 **Q. And at this point we're at 2:28 and Officer**
18 **Schneider is putting a Taser on him, correct?**

19 **A. Correct.**

20 **Q. Why is he putting a Taser on him?**

21 **A. Because he's reached that verbal noncompliance,**
22 **which is where we're able to display a Taser for the use**
23 **of this traffic stop.**

24 Q. And the verbal noncompliance is because he leaned
25 forward and had his back towards the officer, correct?

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1 **A. Correct. When he originally had his --**
2 **(Video played.)**

3 THE WITNESS: When he originally had his
4 attention focused on Officer Schneider while talking to
5 him and then diverted his attention otherwise.

6 BY MS. BROADDUS:

7 Q. And he didn't have to cooperate with the officer.
8 He didn't have to talk to him, did he?

9 **A. No.**

10 Q. And still up to this point he doesn't have to
11 talk to him, correct?

12 **A. No.**

13 **(Video played.)**

14 THE WITNESS: Can we pause that for a
15 second?

16 BY MS. BROADDUS:

17 Q. And so at this point we're at 2:36 where Officer
18 Schneider says, relax your arm, correct?

19 **A. Correct.**

20 **As you'll see right there, Officer Schneider**
21 **has his arm on his back triceps area. It's kind of one of**
22 **our control holds when we've got somebody in a vehicle.**
23 **It is a way of us at least grabbing onto that.**

24 **Just prior to that, probably at about 2:34,**
25 **you see the tense motion and the muscle reflexion on his**

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1 **right arm. We feel that. That's a feeling that we can**
 2 **gauge whether or not somebody is either, A, ready to try**
 3 **to fight us, try to get out of our hold or nervousness.**
 4 **Those are all key clues that we go into that just, again,**
 5 **add to the totality of the situation. We can actually see**
 6 **his arm and his muscles flex up.**

7 Q. Well, he has an officer who has just threatened
 8 to take him down to the station for not having his ID,
 9 who's opening up his car door and has a Taser on his neck.
 10 Is that grounds to be nervous?

11 MR. POPOLIZIO: Form; foundation.

12 THE WITNESS: He didn't have his Taser on
 13 his neck.

14 (Video played.)

15 THE WITNESS: It's on his shoulder.

16 (Video played.)

17 BY MS. BROADDUS:

18 Q. All right. We're at 2:55 and at this point
 19 Officer Schneider has accused Johnny of putting something
 20 in his backpack and stuffing something down in the seat,
 21 correct?

22 **A. Correct.**

23 Q. And both times when Johnny was asked to do
 24 something with either of those he said he wasn't and his
 25 hands were in clear view, correct?

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1 **A. Correct.**

2 Q. And at this point Officer Schneider has
 3 reholstered his Taser, correct?

4 **A. He has de-escalated at that time, correct.**

5 Q. That's a de-escalation tactic?

6 **A. Correct.**

7 Q. As then as you can see in this picture his left
 8 arm -- Officer Schneider's left arm or hand is still on
 9 Johnny's -- now the back of his right arm and his --
 10 clarification -- Officer Schneider's right arm is reaching
 11 for Johnny's wrist, correct?

12 **A. That is a control hold form that we go into, yes.**

13 Q. Okay.

14 (Video played.)

15 BY MS. BROADDUS:

16 Q. Is that control hold painful?

17 **A. No.**

18 (Video played.)

19 BY MS. BROADDUS:

20 Q. All right. We're at 3:01, and Officer Schneider
 21 has now pulled Johnny's wrist back towards Officer
 22 Schneider and is pushing his arm and shoulder area
 23 forward. Do you see that?

24 **A. Yes.**

25 Q. Is that a painful move?

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1 **A. It is a pain compliance form. It's not a painful**
 2 **move necessarily, but it is a pain compliance form.**

3 Q. Okay. So a pain compliance form, what does that
 4 mean?

5 **A. We're trying to gain control of the situation**
 6 **before it gets out of control.**

7 Q. So you say it's pain compliance. Are you trying
 8 to get him to comply with something?

9 **A. If he decides to fight at that point in time, if**
 10 **he decides to reach for a weapon at that point in time,**
 11 **we've got a hold on him that we can increase the pain if**
 12 **we need to to control the situation or push him away to**
 13 **gain distance between us and the vehicle.**

14 Q. So far he's still complied with the officer's
 15 requests. All his verbal requests that he's made,
 16 Johnny's complied with those, correct?

17 MR. POPOLIZIO: Form.

18 THE WITNESS: Based on the reasonable
 19 suspicion that is -- something is going on with him
 20 putting something in between the seat, putting something
 21 in a backpack. Officer Schneider's reasonable suspicion
 22 of that is something else is going on, his attitude with
 23 his verbal noncompliance. Again, it's the totality of the
 24 situation versus one incident of a situation.

25

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1 BY MS. BROADDUS:

2 Q. That wasn't my question. My question was: At
 3 this point so far has Johnny complied with all of Officer
 4 Schneider's verbal commands?

5 MR. POPOLIZIO: Objection; form.

6 THE WITNESS: No.

7 BY MS. BROADDUS:

8 Q. What verbal command did he not comply with?

9 **A. Well, he first asked him not to reach into**
 10 **something.**

11 Q. He asked him not to reach into his backpack,
 12 correct?

13 **A. Correct.**

14 Q. And Johnny put his backpack down, correct?

15 **A. Correct.**

16 Q. Is that complying with the officer's request?

17 MR. POPOLIZIO: Form.

18 THE WITNESS: With that one request, yes.

19 BY MS. BROADDUS:

20 Q. So he complied with that one.

21 **What request did Johnny not comply with --**
 22 **verbal request that Officer Schneider made that Johnny did**
 23 **not comply with?**

24 **A. Verbally he's complying. Physically he's not.**

25 Q. And physically is because he turned his back on

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1 the Officer correct?

2 **A. Correct.**

3 (Video played.)

4 BY MS. BROADDUS:

5 Q. At this one point we're at 3:12, and now there's
6 another Taser on Johnny's arm. Do you see that?

7 **A. Uh-huh.**

8 Q. Do you know whose Taser that is?

9 **A. That is my Taser.**

10 Q. Why did you put a Taser on his arm?

11 **A. Because he is now getting into a possible active
12 aggression situation. It's the -- we've now moved into
13 the psychological intimidation, which is allowing me to
14 use a Taser as a form of a complying and gaining control
15 of the traffic stop. We're controlling the situation.**

16 Q. So far pretty much the only thing that you've
17 agreed to that Johnny has done wrong is he turned his back
18 on the police officer, correct?

19 MR. POPOLIZIO: Form.

20 THE WITNESS: No, I am not agreeing to that.

21 BY MS. BROADDUS:

22 Q. Okay. What could Johnny have done differently up
23 to this point to prevent you from putting a Taser on him?

24 **A. Provided his name to us.**

25 Q. And he is not required to by law, correct?

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1 **A. No, but you asked me what could he have done.**

2 Q. So he would have to give up his rights to able to
3 avoid getting into this situation by this time, right?

4 MR. POPOLIZIO: Form.

5 THE WITNESS: Or just comply with the
6 traffic stop. It's not a rights issue. It's just a
7 comply with the traffic stop.

8 BY MS. BROADDUS:

9 Q. So if an officer asked you to do something to --
10 I'm sorry.

11 If an officer requests something in a
12 traffic stop and you don't want to do it, you don't have
13 to do it --

14 **A. But that was not the original question you asked.**

15 Q. No. I was going off your response.

16 **A. Okay.**

17 Q. So your response was that he would -- if he
18 wanted to avoid this he could have provided his ID?

19 **A. Correct.**

20 Q. And he didn't provide his ID, which he's not
21 legally required to do, correct?

22 **A. Correct.**

23 Q. So by doing something he was legally not required
24 to do, he is now in a situation where there's a Taser on
25 him, correct?

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1 **A. It was because of the actions leading up to that.**

2 Q. And his actions were turning his back on the
3 officer, correct?

4 **A. The -- just the totality of everything. You're
5 asking me one instance. It's the totality of everything.
6 It's the original reaching into a bag. Yes, he complied,
7 but it's the original reaching into the bag. Then it is
8 the reaching -- stuffing something down in between a seat.
9 It is the -- the verbal, why are we here? It's the
10 totality.**

11 You're asking me to pinpoint a single
12 situation, and I can't do that because it's the totality
13 of everything that has brought it to his attention.

14 Q. Is it fair to say that you never saw Johnny
15 reaching into his backpack? Correct?

16 **A. I never saw that.**

17 Q. And you never saw Johnny reaching in between the
18 seats, correct?

19 **A. That is correct.**

20 Q. So you're relying on Officer Schneider's words
21 that he's saying, correct?

22 **A. Correct.**

23 Q. And in the video you do not see Johnny stuffing
24 anything between the seats, correct?

25 MR. POPOLIZIO: Form.

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1 THE WITNESS: Body cameras do not catch
2 everything.

3 BY MS. BROADDUS:

4 Q. Fair enough. But you do not see in the body
5 camera where Johnny's stuffing something down in the
6 seats, correct?

7 **A. That is correct.**

8 Q. So that could have been something that never
9 happened, correct?

10 MR. POPOLIZIO: Form; foundation.

11 THE WITNESS: I can't answer that.

12 BY MS. BROADDUS:

13 Q. So you don't know?

14 **A. It is not an answerable question.**

15 **Q. So far you're relying on Schneider and what he's
16 saying for your basis for putting a Taser on
17 Mr. Wheatcroft, correct?**

18 **A. He said, "He is going to fight."**

19 **Q. And that is why you came over and put a Taser on
20 him --**

21 **A. That is correct.**

22 **Q. -- because that is what Officer Schneider stated?**

23 **A. Correct.**

24 Q. We're still at the 3:12 point, and Johnny
25 Wheatcroft still has the seat belt around him, correct?

201

1 **A. Correct.**

2 MR. POPOLIZIO: Form.

3 (Video played.)

4 BY MS. BROADDUS:

5 Q. We are now at 3:15, and Officer Schneider now has
6 grabbed Johnny's head and is pushing it forward. Do you
7 see that?

8 **A. Yes.**

9 Q. What is that move for?

10 **A. It is an -- it's a control -- it's to get him**
11 **away from facing us. It is to gain compliance of the**
12 **hold.**

13 Q. Are you trying to get him out of the car?

14 **A. We're trying to gain compliance at this point in**
15 **time.**

16 Q. What does compliance mean at this point in time?

17 **A. Well, he's still moving around. He's still --**
18 **again, when we've got our hands on somebody and we feel**
19 **the muscles tensing up or we feel that body separating**
20 **from our grip or from our presence -- to use it as an**
21 **analogy, if I've got my fist up against my hand right**
22 **here, I feel tension in my forearm. If I remove my hand**
23 **from my fist, there's no longer tension in that forearm.**

24 **To us, when we have our hands on somebody**
25 **and that tension is being released or partly released,**

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1 **that's an indication to us that somebody is trying to get**
2 **away from our hold. That's when we have to take action**
3 **and try and get that hold into a better situation so it**
4 **prevents any further actions.**

5 **So at this point in time, his actions are**
6 **still in an effect of a nonverbal and now getting into a**
7 **psychological intimidation to where we need to gain**
8 **control of that.**

9 **And I'm sorry if you didn't think that that**
10 **was the right thing to say, but I'm trying to tell you how**
11 **it is and the reason why we're there.**

12 Q. Well, you have a situation where it's an alleged
13 turn signal violation. You have a gentleman in the front
14 seat passenger side who knows he doesn't have to provide
15 his ID and doesn't. He's got an officer who opens up the
16 door and grabs him and then puts him in a painful arm bar
17 and now is shoving his head forward, and he's had a Taser
18 threatened on him twice and he has no clue why.

19 MR. POPOLIZIO: Objection: Form;
20 foundation.

21 BY MS. BROADDUS:

22 Q. Because he doesn't know what the officers are
23 thinking.

24 MR. POPOLIZIO: Same objection.
25

203

1 BY MS. BROADDUS:

2 Q. Do you think it's reasonable for him to tense up
3 in that situation?

4 MR. POPOLIZIO: Same objection.

5 THE WITNESS: I think if he complied at the
6 very beginning we wouldn't be here.

7 BY MS. BROADDUS:

8 Q. Right. If he would have provided his name,
9 correct?

10 **A. Correct.**

11 **(Video played.)**

12 BY MS. BROADDUS:

13 Q. At this point Johnny is now out of the car. He's
14 still wrapped in the seat belt. He's being pushed up
15 against the seat of the car. Do you see that?

16 **A. Yes.**

17 Q. And this is the point -- I'm sorry, I'm at
18 3:19 -- where you will be tasing him, correct?

19 **A. No.**

20 **(Video played.)**

21 BY MS. BROADDUS:

22 **Q. Johnny was just tased a couple of times. Is that**
23 **you doing the tasing?**

24 **A. No. He was drive stunned.**

25 **Q. I'm sorry. So he was drive stunned, which is a**

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1 **form of tasing, correct?**

2 **A. It is a form of pain compliance, correct.**

3 **Q. And you drive stunned him twice, correct?**

4 **A. Correct.**

5 **(Video played.)**

6 BY MS. BROADDUS:

7 **Q. We're now at 3:25, and I believe this is the**
8 **point where you fell backwards, correct?**

9 **A. This is where I got hit in the head, yes.**

10 **Q. My question is: You fell backwards?**

11 **A. Yes.**

12 **(Video played.)**

13 BY MS. BROADDUS:

14 Q. At this point we're at 3:25. Johnny's sitting on
15 the ground, correct?

16 **A. Correct.**

17 Q. He's wrapped in a seat belt, correct?

18 **A. Correct.**

19 Q. What threat is he at this point when he's on the
20 ground, you see both of his hands, seat belt's wrapped
21 around his legs?

22 **A. As you'll see in this video right here, I can see**
23 **a brown bag that he originally was going into, which is**
24 **still the unknown. His seated position, he is at a**
25 **vantage point with his right hand next to the seat where**

205

1 any kind of weapon can be grabbed. We still have the
2 unknown of what's in the backpack. We are to assume that
3 whatever is in that backpack is going to hurt or kill us.

4 So what we have to do is try to gain
5 distance from that, which Officer Schneider did. He took
6 several steps back at that point in time to gain some
7 distance.

8 Q. Okay. And then we'll go ahead and go forward.

9 (Video played.)

10 BY MS. BROADDUS:

11 Q. We're now at 3:38, and you saw Officer Schneider
12 shoot a dart Taser --

13 A. Uh-huh.

14 Q. -- at Mr. Wheatcroft, correct?

15 A. Uh-huh.

16 Q. Is that yes?

17 A. Yes. Sorry.

18 Q. Then you see at this point Officer Fernandez step
19 in, correct?

20 A. Yes.

21 Q. So Johnny's been tased several times here,
22 correct?

23 A. Tased once, to my knowledge, because the drive
24 stun is different.

25 Q. Okay. So you're treating them differently.

206

1 You're saying a drive stun is not a tase?

2 A. No. A Taser is when it is deployed versus a
3 drive stun.

4 Q. Okay.

5 A. The probes have been deployed, and that's the
6 tasing.

7 Q. So drive stun you don't consider to be tasing?

8 A. I don't, no.

9 Q. I just want to understand your terminology.

10 A. Correct.

11 Q. So at this point still the same thing. Johnny
12 didn't provide identification, correct? And that's why
13 we're at this point, correct?

14 A. No. We're at this point because of his starting
15 off with nonverbal compliance into physical -- or
16 psychological intimidation.

17 Q. Because he leaned forward in his seat and had his
18 back to the officer, correct?

19 A. Because of his actions leading up to it; reaching
20 into the bag, reaching into a --

21 (Video played.)

22 MS. BROADDUS: Sorry.

23 THE WITNESS: -- compartment between the
24 seat and a middle console, and the actions that he took
25 with his body language moving away from officers.

207

1 MR. POPOLIZIO: Because the video
2 interrupted, did you get that?

3 THE COURT REPORTER: I did. Thank you.

4 THE WITNESS: Also in this video you'll see
5 that the Taser has been deployed. If a Taser has been
6 effective, and that means both probes are connected, it
7 actually locks the body up. The body is not locked up.
8 He is still flailing around on the ground, which means
9 that a probe, although it may be in, is not making the
10 correct connection between the two probes and the spread.

11 BY MS. BROADDUS:

12 Q. So you just keep tasing?

13 A. Well, the tasing at that point in time is
14 ineffective.

15 (Video played.)

16 BY MS. BROADDUS:

17 Q. At this point you're on the ground. Do you have
18 any recollection of events from this point until -- well,
19 of all the things that are happening or were you fuzzy at
20 this point?

21 A. All I could hear at that point in time is Officer
22 Schneider saying stay on the ground. Other than that, I
23 have the fight or flight mentality.

24 In the academy we are taught that no fight
25 is a good fight, and that if I can't win a fight then I

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1 might as well be dead.

2 And in that situation I'm on the ground
3 where my body is telling me one thing, my mind is telling
4 me another. The two are not connecting.

5 Q. Did you see Johnny at any point or were you able
6 to focus on Johnny at any point to see what he was doing
7 from this point on?

8 A. No.

9 Q. So if somebody said he was kicking or flailing or
10 anything like that, you would have no -- you can't testify
11 as to that?

12 A. I can't testify to that.

13 Q. Did you think Johnny was being combative?

14 A. It rose to that level, yes.

15 Q. And at what point did he start being combative?

16 A. He became combative after I got knocked out.

17 Q. So you don't have any firsthand knowledge of
18 that, correct?

19 A. No, no.

20 Q. So during your entire dealings with Johnny he was
21 not combative, correct?

22 A. Correct, just noncompliant.

23 Q. I'm going to be switching videos. This is a
24 motel surveillance video from Motel 6. Okay?

25 A. Okay.

213

1 Q. Did you suspect those vehicles of any illegal
2 activity?
3 **A. As we drive through, the vehicles that are backed**
4 **in, we'll actually get out on foot and we will walk behind**
5 **and we'll get the plate, and we'll go run the plate to**
6 **make sure that it isn't stolen. Motel 6 is notorious for**
7 **having stolen vehicles.**
8 Q. So at this point you can see the full cruiser,
9 correct?
10 **A. Correct.**
11 Q. And I'm actually going to go back a second. I'm
12 starting at 10. Okay?
13 **A. Uh-huh. Yes.**
14 Q. And we're going to see the car come in, and you
15 see his wheels turn to the right a little and then start
16 turning to the left and they stop, correct?
17 **A. Correct.**
18 Q. And there's --
19 MR. POPOLIZIO: Form.
20 What stops?
21 Just so I'm clear on the question.
22 MS. BROADDUS: Well, let me go further then.
23 MR. POPOLIZIO: Okay.
24 BY MS. BROADDUS:
25 Q. So now we're at 16 seconds in, correct, and you

214

1 can see the police cruiser?
2 **A. Yes.**
3 Q. Did you make eye contact with the driver?
4 **A. Did I make contact with the driver?**
5 Q. Eye contact.
6 At this point in the video where your
7 cruiser is down at the end in the back alley still, it
8 hasn't made its turn, could you see the driver of the
9 vehicle?
10 **A. No, I can't see the driver from this video.**
11 Q. Could you see the passengers?
12 **A. No, I can't see the passengers.**
13 MR. POPOLIZIO: Okay. Before we go any
14 further, when I asked about the clarification as to
15 whether -- I think you said whether the wheels were
16 stopped or was stopped, you said you'd go back. We didn't
17 go back, and I don't know what the question is about,
18 though. It was confusing.
19 Was it stopped in this freeze frame or did
20 the car in this video as we're looking at it right now at
21 16 seconds in come to a complete stop?
22 MS. BROADDUS: No. We're at 16 seconds in
23 is where I stopped this.
24 MR. POPOLIZIO: So that --
25

215

1 BY MS. BROADDUS:
2 Q. I will take it back so you guys can see where the
3 vehicle actually -- it pulls in. We're at 15. It doesn't
4 actually stop. It starts -- and it starts reversing and
5 backing all the way in --
6 MR. POPOLIZIO: At 19.
7 BY MS. BROADDUS:
8 Q. -- into a parking spot. It's got all four tires
9 backed in and aligned in the parking spot. And we're at
10 34 seconds. Do you see that?
11 **A. Yes.**
12 **Q. When they were backing up did it seem like they**
13 **were racing?**
14 **A. There appeared to be an evasive move, yes,**
15 **because the vehicle was canted what appeared to be going**
16 **into the parking spot that is available right there on the**
17 **left-hand side. When we became parallel with that**
18 **vehicle, it canted its wheels the other way and did a**
19 **reverse. That is the -- that is the suspicious activity**
20 **that also creates a purpose here.**
21 Q. And you don't know. He might have been intending
22 on backing up the whole time. He just pulled forward and
23 then saw that spot and decided to back in, correct?
24 MR. POPOLIZIO: Form; foundation.
25 THE WITNESS: Correct.

216

1 BY MS. BROADDUS:
2 Q. And you also see that there's a gap between the
3 two cars where I think you're talking about, between like
4 a small black SUV and car that's backed in. Is that the
5 spot you thought he was going to be pulling into?
6 **A. Yes.**
7 Q. And you can kind of see that the tires of the car
8 that are the closest to us are -- it's next to a blocked
9 off parking area, correct?
10 **A. If you're referring to the handicapped spot, then**
11 **yes.**
12 Q. You don't know as you sit here right now how far
13 that car is on that white line on the other parking side,
14 correct?
15 **A. Correct.**
16 Q. So that car might have been taking up a little
17 more space than it should have and maybe that car didn't
18 think it could fit there.
19 MR. POPOLIZIO: Objection --
20 BY MS. BROADDUS:
21 Q. You don't know, correct?
22 MR. POPOLIZIO: Objection: Form;
23 foundation.
24 THE WITNESS: Correct.
25

217

1 BY MS. BROADDUS:

2 Q. We are now at 36 seconds in, and it looks like
3 Officer Schneider's door is opening, correct?

4 **A. Correct.**

5 Q. And the other car, there's already somebody who's
6 opened up the back seat car door on the Taurus, correct?

7 **A. Correct. And if we were to play the video in**
8 **full motion, I believe that that door opened up, and it**
9 **looked like somebody was trying to get out of that vehicle**
10 **before the car came to a complete stop.**

11 Q. I'll take it back. I'm going to take it back to
12 30 seconds. So we're at 32 seconds, and the car door, it
13 just looks like it starts opening while the police cruiser
14 is --

15 **A. Correct.**

16 Q. -- approaching, correct?

17 **A. Correct.**

18 Q. And I'm continuing to play it right now --

19 **A. Yep.**

20 Q. -- and I'll have questions.

21 So here we're at 39 seconds and you exited
22 the vehicle, correct?

23 **A. Correct.**

24 Q. And you see that the Taurus, there is a back
25 driver's side door open, correct?

218

1 **A. Correct.**

2 Q. And the car is stopped, at least in a position in
3 that parking spot, the Taurus is, correct?

4 **A. Correct.**

5 Q. I stopped at 44 seconds because you had testified
6 earlier that, you know, you saw the car door open, which
7 is a red flag for you so you're going to approach in a
8 vigilant manner, correct?

9 **A. Correct.**

10 Q. You just stopped there for a second. We're at 57
11 seconds and you just looked off to the right. Do you know
12 what you were looking at?

13 **A. Just prior to that I looked off to the left**
14 **because when we first came in there was an individual**
15 **getting in that car that was now leaving that also caught**
16 **my attention. I looked off to the right because I know**
17 **that's an entrance into the facility, so I wanted to make**
18 **sure that no cars were trying to come in where we were at.**

19 Q. Is it fair to say you didn't see any other cars
20 that wanted to come in?

21 **A. That is correct.**

22 Q. All right. Now we're at a minute ten in, and you
23 are at this point at the driver's side door, and you
24 reached it a few seconds earlier, just for clarification.

25 And is this the point where you started

219

1 asking for identification from the driver?

2 **A. Yes.**

3 **Q. Prior to approaching this car, did you recognize**
4 **any of the passengers?**

5 **A. No.**

6 **Q. Did you recognize the driver?**

7 **A. No.**

8 **Q. Prior to this date in July of 2017, did you know**
9 **who Johnny Wheatcroft was?**

10 **A. No.**

11 **Q. Did you know Anya Chapman?**

12 **A. No.**

13 **Q. Did you know Shawn Blackburn, who was the driver?**

14 **A. No.**

15 **Q. I assume you didn't know the children that were**
16 **in the back either, correct?**

17 **A. No.**

18 **Q. Correct?**

19 **A. Correct.**

20 Q. Since you didn't know who they were, you had no
21 idea what any of their histories were. Is that a fair
22 statement?

23 **A. That's a fair statement.**

24 Q. You don't if they had ever been engaged in any
25 illegal activity in their past, correct?

220

1 **A. No.**

2 Q. And you didn't know if anybody had any warrants
3 out for their arrest, correct?

4 **A. No.**

5 Q. And you didn't know if they all maybe had clean
6 records; is that true?

7 **A. This is true.**

8 Q. So is it fair to say that any actions that you
9 took that day were not based on any information
10 regarding -- well, let me go back. Let me start over.
11 Okay.

12 You've learned that -- have you learned that
13 Johnny has had a criminal history since this incident?

14 **A. Yes, I have.**

15 Q. And is it fair to say that any of Johnny's
16 criminal history did not impact what your actions were
17 that day?

18 MR. POPOLIZIO: Form.

19 THE WITNESS: I would say that there's a
20 level of suspicion that raises up when we see somebody
21 who's got prison tattoos.

22 BY MS. BROADDUS:

23 Q. Did you see his tattoos?

24 **A. I personally did not, but I'm only going off of,**
25 **again, the totality of Officer Schneider and his dealing**

221

1 with him.

2 Q. So it's fair to say that you didn't know anything
3 about any criminal history of anybody in the car when you
4 were dealing with anyone that day?

5 A. I did not.

6 Q. And it's fair to say that any criminal history
7 that he had did not impact any of your actions that day.
8 Is that a fair statement?

9 A. That's a fair statement.

10 Q. When you were a member of NRS, did guys have any
11 discussions as a unit following this incident regarding
12 the Wheatcrofts, or involving the Wheatcrofts?

13 Did you have any discussions on policies or
14 maybe how to handle situations differently?

15 A. We did not, no.

16 Q. Would you have done anything differently that
17 day?

18 MR. POPOLIZIO: Form.

19 BY MS. BROADDUS:

20 Q. Knowing what you know now, would you do anything
21 differently?

22 A. Ducked.

23 Q. Is that it?

24 A. Yes.

25 Q. Would you have tried to de-escalate the

222

1 situation?

2 A. No.

3 Q. Would you have questioned Officer Schneider about
4 the basis for the traffic stop?

5 A. No.

6 Q. You've seen the video now, and you know there are
7 questions on whether he could see a turn signal, correct?

8 A. Correct.

9 Q. You don't have to use your turn signal, true?

10 You can use your arm.

11 A. Correct.

12 Q. And you actually can use it from -- the law on
13 turn signals is a turn signal has to be 100 feet before
14 you execute your turn, correct?

15 A. Correct.

16 Q. Not during your turn, correct?

17 A. But in that questioning to the driver when he
18 said, just use your turn signal next time, he agreed. He
19 didn't say I used my arm. He didn't say he used an
20 alternative turn signal. He agreed that he didn't have
21 his turn signal on.

22 Q. That was after the fact, correct?

23 That's after the car -- you'd already
24 approached the vehicle, correct?

25 A. That was after Officer Schneider told him, next

223

1 time you turn, you're supposed to use your turn signal.

2 Q. I'm trying to get the basis for the stop in the
3 first place.

4 A. Okay. Uh-huh.

5 Q. So as a basis for a stop, you have to have a
6 reasonable suspicion that a crime has occurred or is
7 occurring, correct?

8 MR. POPOLIZIO: Form.

9 THE WITNESS: Correct.

10 BY MS. BROADDUS:

11 Q. It's your understanding Officer Schneider said
12 that there was a turn signal violation, correct?

13 A. Correct.

14 Q. When you saw the vehicle -- when you first saw
15 this vehicle, it was already under the arches at the
16 motel. Is that a fair statement?

17 A. That's a fair statement.

18 Q. And you knew that you were on the backside of the
19 building, correct?

20 A. What was that?

21 Q. You were on the back side of the motel building,
22 correct?

23 A. Yes.

24 Q. And you can't see through the building, correct?

25 A. That is correct.

224

1 Q. So you cannot see Glenn Drive from 59th Avenue to
2 where the turn is, correct?

3 A. At certain points behind the building you cannot,
4 but when you get just past the building you can see.

5 Q. Okay. So the turn signal would have had to have
6 been on between the corner at 59th Avenue and the turn at
7 Glenn -- from Glenn Drive into the motel, correct?

8 MR. POPOLIZIO: Form.

9 THE WITNESS: Repeat the question, please.

10 BY MS. BROADDUS:

11 Q. Sure. Any turn signal that would need to be used
12 to turn into the motel would have to be used between
13 59th -- when you were on Glenn Avenue -- from 59th Avenue
14 on Glenn until you turn to the motel, correct?

15 A. Correct.

16 Q. And from what your testimony was earlier, you
17 could not see that area, correct?

18 A. I wasn't looking through that area. I was --
19 again, as we previously talked, my focus was down the back
20 alleyway, the north side of it.

21 So you're asking me to answer a question
22 that I can't answer.

23 Q. But you knew that he said that he saw a turn
24 signal violation, correct?

25 A. Officer Schneider said he saw a violation,

229

1 BY MS. BROADDUS:
 2 Q. And you would back him 100 percent for these
 3 events that took place that day?
 4 MR. POPOLIZIO: Form.
 5 THE WITNESS: I'd work with him tomorrow, if
 6 that's what you're asking.
 7 BY MS. BROADDUS:
 8 Q. No. I'm asking you if you would back the events
 9 that he did that day.
 10 MR. POPOLIZIO: Form.
 11 THE WITNESS: Yes.
 12 MS. BROADDUS: I'm going back to your body
 13 cam.
 14 (Video played.)
 15 BY MS. BROADDUS:
 16 Q. In your body-cam footage I'm at two minutes and
 17 50 seconds in, and it looks like this is the point where
 18 you start going around the vehicle to the passenger side.
 19 Does that look about right?
 20 A. Yes.
 21 Q. So when you first arrived to the passenger side,
 22 Officer Schneider already has Johnny Wheatcroft in an arm
 23 bar, correct?
 24 A. Correct.
 25 (Video played.)

230

1 BY MS. BROADDUS:
 2 Q. At this point we're at three minutes and one
 3 second and you say you have a Taser on him, correct?
 4 A. Correct.
 5 Q. Which is the policy; you're supposed to identify
 6 that there's a Taser on someone, correct?
 7 A. Correct.
 8 Q. And could you see what Johnny was doing at this
 9 point?
 10 A. My view was blocked at that point in time.
 11 (Video played.)
 12 BY MS. BROADDUS:
 13 Q. At this point we're at 3:07 and you just saw
 14 Officer Schneider push his head forward, correct?
 15 A. Correct.
 16 Q. And you can't really see much more because you're
 17 behind Officer Schneider, correct?
 18 A. We're in a very tight spot there with the door,
 19 correct.
 20 (Video played.)
 21 BY MS. BROADDUS:
 22 Q. We are at 3:09, and now Officer Schneider still
 23 has a hold of Johnny, and you come up to the other side
 24 and you have your Taser out, correct?
 25 A. Correct.

231

1 (Video played.)
 2 BY MS. BROADDUS:
 3 Q. Did you hear Johnny say he was stuck?
 4 A. No, I did not.
 5 Q. I will play it back a little bit.
 6 (Video played.)
 7 BY MS. BROADDUS:
 8 Q. So Johnny is in the seat belt at this point and
 9 you're tasing him, correct?
 10 MR. POPOLIZIO: Form.
 11 THE WITNESS: I'm drive stunning him.
 12 BY MS. BROADDUS:
 13 Q. You're drive stunning him while he's seat belted
 14 and Officer Schneider has a hold of him, correct?
 15 MR. POPOLIZIO: Form.
 16 THE WITNESS: He's not seat belted
 17 completely in.
 18 BY MS. BROADDUS:
 19 Q. He's wrapped up in the seat belt. Do you see
 20 that?
 21 MR. POPOLIZIO: Form.
 22 THE WITNESS: Yes.
 23 (Deposition Exhibit Nos. 16 and 17 were
 24 marked for identification.)
 25

232

1 BY MS. BROADDUS:
 2 Q. You have documents that have been placed in front
 3 of you. I'm looking at Exhibit No. 16 first, which is the
 4 Taser Pulse Log Evaluation. Do you see that?
 5 A. Yes, ma'am.
 6 Q. And on page 1 under the events section it says,
 7 "Sequence 1, armed."
 8 Do you see that?
 9 A. Yes, ma'am.
 10 Q. And my understanding is that's when you first
 11 armed your Taser device, correct?
 12 A. To the best of my knowledge, yes.
 13 Q. And I'm going to have you go to page 2. And page
 14 2 at the top of the page, it says, "Sequence 2, arc
 15 activation."
 16 Do you see that?
 17 A. Yes.
 18 Q. And it says, "Both C1 and C2."
 19 What does that mean?
 20 A. I don't know what -- I don't know what the codes
 21 are on this.
 22 Q. And it says underneath that, "Duration, 1
 23 second."
 24 Do you see that?
 25 A. Correct.

233

1 Q. Then if you turn to the next page, there's a
2 photograph of you -- well, it has a picture of your arm
3 with the Taser on Johnny.
4 Do you see that?
5 A. Yes.
6 Q. And towards the upper left it says, "Sequence 2,"
7 correct?
8 A. Yes.
9 Q. And I'll have you turn to the next page. It
10 says, "Sequence 3" at the top of the page, and it says
11 "Duration, 1 second."
12 Do you see that?
13 A. Yes.
14 Q. And if you turn to the next page after that
15 there's another photograph of the tasing on sequence 3.
16 Do you see that?
17 A. Yes.
18 Q. And then underneath the photograph it says,
19 "Sequence 4 Safed." Do you know what that means?
20 A. I do not.
21 Q. Under the photograph there's some bullet points,
22 and the second one says, "Total time activated through ARC
23 switch" -- and it's ARC -- "equals 2 seconds."
24 Do you see that?
25 A. Yes.

234

1 Q. And underneath that it has the total completed
2 connection time, .4 seconds, correct?
3 A. Correct.
4 Q. Do you know what that means?
5 A. To the best of my ability that would mean that
6 the total time between both arcs was two seconds.
7 Q. I'm going to have you look at Exhibit 12 -- I'm
8 sorry -- 17. I can't read my own handwriting.
9 Have you seen this document before?
10 A. Yes, I have.
11 Q. What is your understanding of what this is?
12 A. That at 19:11 hours and 22 seconds is when the
13 Taser was turned on. At 19 hours 11 seconds and
14 23 seconds there was a one-second duration arc. At
15 19:11:24 there was another one-second arc. And that at
16 19:11:38 is the safe mode, which is when I believe and
17 understand that the Taser was finally turned off. So the
18 16 seconds in my recollection is the total time that the
19 Taser was turned on.
20 Q. And according to this there were two separate
21 times when you drove stunned, correct?
22 A. Whenever we do a drive stun we have the Taser
23 connected -- or not connected but touching the body. When
24 there is a separation between the Taser and the body, the
25 Taser's ineffective. So in the initial drive stun when he

235

1 moved, the Taser was let off and then reengaged.
2 Q. It sounds like there was a total of two seconds
3 of tasing. You're not sure, as you sit here today, how
4 much of that was actually continuous tasing?
5 A. Correct.
6 MS. BROADDUS: I'm going to take a
7 five-minute break. Okay?
8 MR. POPOLIZIO: Sure.
9 (The deposition was at recess from 4:07 to
10 4:20 p.m.)
11 BY MS. BROADDUS:
12 Q. Back on the record.
13 At some point you were -- I think you said
14 you were hit by a bag or something. Hit by something?
15 A. I was hit by something.
16 Q. At that point Johnny was already being tased,
17 correct, a couple of times?
18 MR. POPOLIZIO: Form.
19 THE WITNESS: No. At that point in time he
20 had only been drive stunned by me.
21 BY MS. BROADDUS:
22 Q. I'm showing you another video. This is from
23 Officer Pittman. We're starting -- and I think this is
24 when you were in the hospital after the events. Okay?
25 A. Uh-huh.

236

1 Q. Actually, before we start that, did you have a
2 conversation with Officer Pittman before the video
3 started?
4 A. No.
5 Q. So he came into the room, and then you just
6 waited for him to activate his camera and then you started
7 the interview?
8 A. Yes.
9 (Video played.)
10 BY MR. BROADDUS:
11 Q. Do you know why you were laughing at that point?
12 A. As officers, when we're put in high stressful
13 situations, and then we have somebody that we know and
14 trust and have come to trust with our families' lives, and
15 they come in and ask the question, what happened, it's a
16 natural reaction.
17 Q. So it was just a reaction that you had in
18 response to his saying what happened?
19 A. Yes.
20 Q. You didn't think anything that happened that day
21 was funny, did you?
22 A. No.
23 Q. I'm going to a different exhibit in your
24 notebook, Exhibit 7, please. It's at tab 7. Tab 7 is a
25 police report. Have you ever seen this document before?

237

1 **A. Not in its totality, no.**
 2 Q. You've seen bits and pieces?
 3 **A. I think so, yes.**
 4 Q. When is the last time you think you saw parts of
 5 this?
 6 **A. The last time I would have seen it would have**
 7 **been shortly after this incident occurred.**
 8 Q. And my understanding is you did not prepare any
 9 reports or narratives to be included with the police
 10 report?
 11 **A. No. Because I was listed in this report as a**
 12 **victim, I did not have any part in the report writing.**
 13 Q. I'm going to have you turn to Bates number that
 14 is 50, please, five zero. At the upper right-hand side of
 15 the page it has a name underlined, Joe Flosman.
 16 Do you see that?
 17 **A. Yes, ma'am.**
 18 Q. Do you know who that is?
 19 **A. Yes, I do.**
 20 Q. Who is that?
 21 **A. He is one of our sergeants who investigates**
 22 **homicide.**
 23 Q. Did he do an interview with you in September
 24 regarding this incident?
 25 **A. Yes, he did.**

238

1 Q. You'll see after the first paragraph and sentence
 2 it says, "Interview of Officer M. Lindsey."
 3 Do you see that?
 4 **A. After the second interview, interview -- yes, I**
 5 **do.**
 6 Q. Was that the first time you had been interviewed
 7 other than at the hospital regarding this incident?
 8 **A. Yes.**
 9 Q. And it says it took place on September 1st of
 10 2017. Does that sound about right?
 11 **A. It sounds about right.**
 12 **Q. I'm going to have you go down -- do you see a --**
 13 **it's kind of like the paragraph -- second to the last**
 14 **paragraph at the bottom of the page, the last line of the**
 15 **sentence, and it's the paragraph right above that, and it**
 16 **says, "Officer Lindsey stated that in the past they had**
 17 **seen vehicles abruptly stop and back into places that were**
 18 **suspicious and were common behavior for stolen vehicle" --**
 19 **A. Yes.**
 20 **Q. -- "suspects" --**
 21 **A. Yes.**
 22 **Q. -- correct?**
 23 **Is that something you mentioned to Officer**
 24 **Flosman?**
 25 **A. Yes.**

239

1 Q. And I'm going to go up from there
 2 three seconds -- or three sentences, and there's a
 3 sentence that says, "He made mention to me that he didn't
 4 see a blinker. He said, you know, see what happens.
 5 Let's try and stop this vehicle."
 6 Did you see that?
 7 **A. Let me get to that point here.**
 8 Q. And I apologize. It's --
 9 MR. POPOLIZIO: Do you see where we are?
 10 THE WITNESS: I'm trying to follow it. It's
 11 broken up by lines. "He made mention to me that he didn't
 12 see a blinker. He said, you know, we -- you know, see
 13 what happens. Let's try and stop this vehicle."
 14 BY MS. BROADDUS:
 15 Q. Do you see that?
 16 **A. Uh-huh.**
 17 Q. Do you recall Officer Schneider saying that to
 18 you?
 19 **A. I think he said something to the fact of, let's**
 20 **stop this vehicle, yes.**
 21 Q. I'm going to have you turn to the next page,
 22 which is Bates number 51.
 23 **A. Uh-huh.**
 24 Q. And in the first line it begins, "A blinker
 25 violation," and there's a period. After that it says, "He

240

1 said, let's at least try to stop and talk to them."
 2 Do you see that?
 3 **A. Yes.**
 4 Q. And the next line says, "That's what brought his
 5 attention to it."
 6 And I assume he's meaning that's what
 7 brought your attention to the situation, to the vehicle?
 8 **A. Yes.**
 9 Q. I'm going to have you go to page Bates number 53.
 10 Are you there?
 11 **A. Yes, ma'am.**
 12 Q. And I know it's difficult to kind of figure out
 13 where paragraphs start and stop. And there's a sentence
 14 that's about three-quarters around -- three-quarters
 15 around the bottom of the page. And I'll tell you where
 16 I'm looking, there's a line that begins probably about
 17 eight to ten lines up, it says, "I asked Officer Lindsey."
 18 **A. Uh-huh.**
 19 Q. I asked Officer Lindsey, all that you knew was
 20 Matt said he didn't see -- use -- that he didn't use their
 21 blinker. "We are going to contact this vehicle," and
 22 Officer Lindsey said correct.
 23 Do you see that?
 24 **A. Yes.**
 25 Q. So you were relying on Officer Lindsey for what

241

1 he was saying that day in terms of what your actions were.
2 Is that a fair statement?

3 **A. You're referring to Officer Schneider?**

4 Q. I'm sorry, Officer Schneider. I apologize.

5 **A. That's okay.**

6 Q. I'm looking at you and talking to you. I
7 apologize.

8 **A. That's okay.**

9 MR. POPOLIZIO: He has that effect on
10 people.

11 BY MS. BROADDUS:

12 Q. Are you aware that there was a question as to the
13 department when they were looking at this as to whether
14 there was actually a legitimate basis for the stop?

15 MR. POPOLIZIO: Foundation; form.

16 THE WITNESS: Yes, they were questioning
17 that.

18 BY MS. BROADDUS:

19 Q. Did they talk to you about that specifically?

20 **A. I believe they asked if I saw the violation, and**
21 **I said no.**

22 Q. Did you ever see any of the motel video other
23 than the one that we looked at today?

24 **A. No -- well, I should say yes. When we first**
25 **originally looked at that video when I was with Sergeant**

242

1 **Flosman, we watched the video up and to the point where I**
2 **made contact at the front door -- or at the driver's side**
3 **door. After that I didn't see the video from there.**

4 Q. Okay. And that's a fair point. I didn't show
5 the whole video of the motel --

6 **A. Correct.**

7 Q. -- from that angle, correct?

8 **A. Correct.**

9 Q. And that's what you're talking about. There was
10 more to that particular angle that was in that video,
11 correct?

12 **A. Correct.**

13 Q. Did you see any other videos that were not from
14 that angle?

15 **A. No.**

16 MS. BROADDUS: All right. I don't have any
17 more questions for you. Thank you.

18 THE WITNESS: Thank you.

19 MR. POPOLIZIO: Give me about five minutes,
20 and I think I'll have a few.

22 EXAMINATION

23 BY MR. POPOLIZIO:

24 Q. Officer Lindsey, I'm just going to ask you a few
25 follow-up questions.

243

1 Let's look at Exhibit 16 first. It's right
2 in front of you.

3 **A. Uh-huh.**

4 Q. If you look at the page with Bates label
5 Wheatcroft 001674. It's a photo.

6 **A. Okay.**

7 Q. Now, you drive stunned Mr. Wheatcroft how many
8 times?

9 **A. Two times.**

10 Q. If you look down on this page under the photo a
11 few sentences down, do you see where it says, "Total time
12 of competed connection with 50 plus microcoulombs of
13 charge"?

14 Do you see that?

15 **A. Yes.**

16 Q. What does it indicate?

17 MS. BROADDUS: Object to form; foundation.

18 THE WITNESS: Equals --

19 BY MR. POPOLIZIO:

20 Q. What does this page indicate?

21 You can read.

22 MS. BROADDUS: Same.

23 THE WITNESS: It indicates the total time of
24 connection with the Taser.

25 BY MR. POPOLIZIO:

244

1 Q. Now, my question is that -- well, let me ask you
2 this: You answered questions with regard to this exhibit
3 under the examination of Ms. Broaddus, correct?

4 **A. Yes.**

5 **Q. And all my question was was for you to read for**
6 **me there under where it says, "Total time of completed**
7 **connection with 50 plus microcoulombs of charge," there's**
8 **an equal sign, and after that it says what?**

9 **A. .4 seconds.**

10 Q. Okay. Thank you.

11 Now, during your questioning a little while
12 ago you were asked -- let me get to it first.

13 While I'm doing that, when you approached
14 the vehicle, the Taurus, initially it was still running,
15 correct?

16 **A. To my knowledge, yes.**

17 Q. Do you remember at any point in time -- do you
18 remember the point in time when and if the vehicle was
19 shut off?

20 **A. I don't.**

21 Q. But it was at some point?

22 **A. At some point in time it was.**

23 Q. I think you were asked a question, whether there
24 had to be reasonable suspicion of a crime -- that a crime
25 occurred to conduct a traffic stop. Do you recall that?

245

1 **A. Yes.**

2 Q. Do you need reasonable suspicion for -- that a
3 crime occurred to conduct a traffic stop?

4 **A. You also -- it doesn't have to necessarily be a
5 crime. It can be a civil violation as well.**

6 Q. Do you need probable cause that a crime had
7 occurred or was about to occur if -- excuse me. Let me
8 strike that.

9 Do you need probable cause of a crime
10 related to that vehicle to stop the vehicle to effect a
11 traffic stop?

12 **A. No.**

13 Q. So you can stop a vehicle for suspicion of a
14 civil traffic violation?

15 **A. Yes.**

16 Q. You were also asked some questions about camera
17 angles of this particular camera at Motel 6 that we saw
18 some video footage today. Do you remember that?

19 **A. Yes.**

20 Q. Do you know if there are any other cameras at
21 Motel 6?

22 **A. Not to my knowledge. I don't know.**

23 Q. Did you know if there were any other cameras at
24 Motel 6 on the left side of the vehicle, as Ms. Broaddus
25 asked you questions, which would be the west side?

247

1 **A. No.**

2 Q. Why did you fall?

3 **A. I was hit with an object from inside the vehicle.**

4 Q. Did you see the object coming?

5 **A. No.**

6 Q. At that time did you know what the object was?

7 **A. No.**

8 Q. Do you know who hit you with the object?

9 **A. No.**

10 Q. What happened when you got hit with the object?

11 **A. I fell backwards.**

12 Q. Do you remember falling backwards?

13 **A. No.**

14 Q. What do you remember about being hit with the
15 object?

16 **A. I don't remember anything. I just remember a
17 flash come up in front of me and hit me.**

18 Q. And then what happened?

19 **A. I fell back.**

20 Q. After that did you start coming to at all?

21 **A. Yes.**

22 Q. Describe for me how you felt at that point.

23 **A. Groggy.**

24 Q. That's it?

25 **A. I felt out of sorts. I could see sort of what**

246

1 **A. No.**

2 Q. Do you know if there are any other cameras on
3 that building?

4 **A. No.**

5 Q. If there were -- well, you just don't know?

6 **A. Correct.**

7 Q. So if there were, though, you don't know what
8 they would reveal, do you?

9 **A. I would not know.**

10 Q. Because you've never seen them?

11 **A. Correct.**

12 Q. Or any other footage --

13 **A. Correct.**

14 Q. -- from Motel 6?

15 **A. Correct.**

16 **Q. Now, you were also asked about your falling
17 backwards.**

18 **A. Yes.**

19 **Q. Do you remember that?**

20 **A. Yes.**

21 **Q. You didn't merely fall, correct?**

22 **A. Correct.**

23 **Q. You didn't trip over your feet, did you?**

24 **A. No.**

25 **Q. You didn't stumble and then fall?**

248

1 **was happening, but it just wasn't registering with what
2 was happening. So I could see something happening. I
3 just couldn't put the two and two together of what exactly
4 was happening.**

5 Q. Did you want to get up?

6 **A. Yes.**

7 Q. Could you?

8 **A. Everything in my body told me to get up.**

9 Q. Could you?

10 **A. No.**

11 Q. Was that the fight or flight instinct that you
12 talked about earlier in your testimony?

13 **A. Yes.**

14 Q. There were several times, at least, throughout
15 your testimony where Ms. Broaddus referred to the seat
16 belt being wrapped around Mr. Wheatcroft. Do you remember
17 that?

18 **A. Yes.**

19 Q. And being that he had his seat belt on?

20 **A. Yes.**

21 Q. That he had his seat belt around him?

22 **A. Yes.**

23 Q. Did you see at all either -- well, first, on the
24 scene that day, did you see Johnny Wheatcroft's seat belt
25 ever engaged, as you said, the male part of the seat belt

249

1 engaged to the female part?

2 **A. No.**

3 Q. In the video footage that you watched today, did
4 you ever see the seat belt that Mr. Wheatcroft had around
5 his right shoulder ever fully engaged?

6 **A. No.**

7 Q. And that means fully engaged by the buckle being
8 in the -- the male part, the buckle, being in the female
9 part of the seat belt?

10 **A. Yes.**

11 Q. And you never saw that?

12 **A. No.**

13 Q. In any video that you've ever watched about
14 this -- because we didn't watch the video through in its
15 entirety, I don't believe; we stopped and started -- did
16 you ever see at any point Mr. Wheatcroft's seat belt
17 actually engaged?

18 **A. No.**

19 Q. Earlier in your testimony -- let's get to my
20 notes on that.

21 We were actually looking at the video, and
22 it was about 20 seconds in or thereafter, shortly
23 thereafter, and you were questioned about why you stopped
24 before you went to the driver's side of the Taurus. Do
25 you remember that?

250

1 **A. Yes.**

2 Q. And you did pause there before you approached the
3 driver's side of the vehicle; is that right?

4 **A. Yes.**

5 Q. When I say "there," I mean in the parking lot at
6 Motel 6.

7 **A. Yes.**

8 Q. You testified earlier that you did that because
9 you were assessing the situation, right?

10 **A. Yes.**

11 Q. And that there were still unknowns occurring. Do
12 you remember that?

13 **A. Yes.**

14 Q. But at least in my head when I was listening to
15 that -- I think the line of questioning went to whether
16 you waved at Officer Schneider, but I wasn't straight on
17 what the unknowns were that were occurring. So could you
18 tell me what -- as you paused before you approached the
19 driver's door of the Taurus as it was parked in that spot,
20 what were these unknowns that were occurring that you were
21 assessing?

22 **A. With Motel 6, Motel 6 being a high-crime area, we**
23 **always kind of have to be vigilant with what is in the**
24 **area, the surrounding areas. Just before my approach**
25 **there was a SUV-type vehicle that was pulling out. I kept**

251

1 an eye on that to make sure that that wasn't part of any
2 of the stuff that we were on or associated with it, just
3 to keep an eye with them.

4 **As I walked up, both the back door on the**
5 **driver's side was opened up, along with the front door**
6 **opening up.**

7 **Before approaching the vehicle in its**
8 **capacity, I want to make sure that I kind of do a head**
9 **count real quick just to do a quick assessment of how many**
10 **people are in that vehicle. I also don't know why doors**
11 **are opening up. When a door is opened up and somebody is**
12 **trying to exit the vehicle, it's usually an indication**
13 **that they're trying to divert our attention to what's**
14 **inside that vehicle so we can pay attention to that**
15 **instead. With two doors opening up, my attention was**
16 **diverted to them, but instead of going up to the door and**
17 **putting myself in harm's way for that fatal funnel, that**
18 **we say, I wanted to make sure that they weren't going to**
19 **come at me, jump at me, pull a weapon on me. It was**
20 **strictly for an officer safety approach on that.**

21 Q. You said the doors opened?

22 **A. Yes.**

23 Q. And that they were doors of the driver's side of
24 the vehicle?

25 **A. Yes.**

252

1 Q. And did the back passenger door of the driver's
2 side of the vehicle open before it stopped?

3 **A. Yes.**

4 Q. And did you learn at any point who was in the
5 back seat of the Ford Taurus?

6 **A. After my approach and talking to them, a female**
7 **asked if she could step out, which I granted her**
8 **permission to step out. So she did. And I learned her**
9 **name was Anya Chapman.**

10 Q. And she indicated she wanted to get out because
11 she was hot?

12 **A. Yes.**

13 Q. Did it occur to you at all that there might have
14 been another reason for a request of a passenger in the
15 back seat of the vehicle to remove him or herself from the
16 vehicle?

17 **A. It's usually to divert attention from something**
18 **else inside the vehicle.**

19 Q. Is that in your experience as a police officer
20 who has conducted traffic stops on vehicles?

21 **A. Yes.**

22 Q. And how many traffic stops have you conducted on
23 vehicles in your career?

24 **A. I don't have a solid number. We can say a range**
25 **between -- in my 11 years, anywhere -- probably around a**

253

1 **hundred.**
 2 Q. Now, when you first were in the passenger side of
 3 the -- is it a Tahoe?
 4 **A. Yes.**
 5 Q. That's what you referred to in this deposition as
 6 the cruiser?
 7 **A. Correct.**
 8 Q. When you first turned in -- when Officer
 9 Schneider, actually, turned the vehicle into the parking
 10 lot --
 11 **A. Uh-huh.**
 12 Q. -- of Motel 6, he had indicated to you, as you
 13 have already testified, that there was a nonuse of a
 14 turning signal, correct?
 15 **A. Correct.**
 16 Q. Would that provide the basis for stopping the
 17 vehicle?
 18 **A. Yes.**
 19 Q. Even though they were turning into private
 20 property?
 21 **A. Yes.**
 22 Q. So at that point, the approach to the vehicle was
 23 based on that, to your knowledge, correct?
 24 **A. Correct.**
 25 Q. Now, at that point, in addition to the -- well,

254

1 strike that.
 2 For a traffic stop are you allowed to speak
 3 to the occupants of the vehicle?
 4 **A. Yes.**
 5 Q. Even if they're not driving the vehicle?
 6 **A. Yes.**
 7 Q. Are you allowed to ask their names?
 8 **A. Yes.**
 9 Q. Could you ask them for ID?
 10 **A. Yes.**
 11 Q. And you testified they don't have to provide it,
 12 though?
 13 **A. Correct.**
 14 Q. And unless there's some reason that an occupant
 15 might have to provide ID or a name, otherwise a passenger
 16 doesn't have to; is that right?
 17 **A. That is correct.**
 18 Q. But when you also were conversing with the driver
 19 of the Taurus, you found that that driver didn't have a
 20 license, correct?
 21 **A. That is correct.**
 22 Q. What did that change?
 23 **A. It changes from a civil traffic violation to a**
 24 **possible criminal violation because of his suspended**
 25 **license. That's a Class I misdemeanor.**

255

1 Q. Does it change your approach to anything or
 2 anybody within the car?
 3 **A. At that point in time the vehicle is seized and**
 4 **the contents within inside of the vehicle are seized for a**
 5 **temporary time.**
 6 Q. Do you have control over anything else in that
 7 vehicle?
 8 **A. I have control of the property in that vehicle at**
 9 **that time. It doesn't mean that it's going to be a**
 10 **forever detainment, but at that point in time we have the**
 11 **right to identify what's inside that vehicle.**
 12 Q. Now, at a certain time, a certain point when you
 13 were on the driver's side of the vehicle, did you hear
 14 anything that, again, changed the situation a little bit?
 15 **A. I heard Officer Schneider saying, stop tensing**
 16 **up.**
 17 Q. And why would that change the situation?
 18 **A. It's telling me as a backup officer that the**
 19 **individual that the other officer's engaging with is not**
 20 **complying with either commands or tensing up, which is**
 21 **reason for a kind of a heightened awareness of the**
 22 **situation.**
 23 **Q. Now, during this particular stop, while you were**
 24 **on the driver's side of the vehicle -- and we watched**
 25 **video about this today -- and Officer Schneider was on the**

256

1 **passenger side of the vehicle, did any of**
 2 **Mr. Wheatcroft's -- well, were any of Mr. Wheatcroft's**
 3 **actions concerning?**
 4 **A. Yes.**
 5 Q. What was the concern?
 6 **A. His noncompliance.**
 7 Q. In what way?
 8 **A. Officer Schneider's dealing with him on several**
 9 **different things, whether it was reaching into a backpack;**
 10 **reaching down between the seats, in the middle console;**
 11 **his -- his demeanor with Officer Schneider and his**
 12 **escalation.**
 13 Q. Escalation of what?
 14 **A. Of his demeanor and his actions.**
 15 Q. When you approached the passenger side of the
 16 vehicle -- when you came around from the driver's side to
 17 the passenger side, was Mr. Wheatcroft actually resisting
 18 when you came over to the passenger side?
 19 **A. Officer Schneider had him in a control hold, and**
 20 **it appeared as if Mr. Wheatcroft was still trying to get**
 21 **away from the control hold.**
 22 Q. Would that be active resistance?
 23 **A. Yes.**
 24 Q. When you were there at Motel 6 that day around
 25 the car and dealing with anyone at the scene, okay --

257

1 **A. Uh-huh.**

2 **Q. -- were your actions at all motivated because**

3 **Mr. Wheatcroft questioned Officer Schneider?**

4 **A. No.**

5 **Q. Exercised his First Amendment right to question**
6 **Officer Schneider?**

7 **A. No.**

8 **Q. Did you do anything at the scene because**

9 **Mr. Wheatcroft said anything?**

10 **A. No.**

11 MR. POPOLIZIO: I think that's all I have,
12 at least for now.

13
14 FURTHER EXAMINATION

15 BY MS. BROADDUS:

16 **Q. I'm just going to follow up on a couple of**
17 **questions that he asked, so I'm going to jump around a**
18 **little bit.**

19 You were asked whether the Taurus was
20 running or not. Do you have an independent recollection
21 today whether or not the car was actually running when you
22 first approached the car?

23 **A. No.**

24 **Q. You're just assuming. Is that a fair statement?**

25 **A. Yes.**

258

1 **Q. You were also asked about the seat belt that**
2 **Johnny -- whether it was engaged or not engaged.**

3 Did you actually see whether or not it was
4 engaged, that the male part was in the female part?

5 **A. No.**

6 **Q. Did you look to see?**

7 **A. No.**

8 **Q. So you don't know whether or not there was**
9 **actually the male-to-female engagement on the actual part?**

10 MR. POPOLIZIO: Objection; form.

11 THE WITNESS: From the angle that I had, the
12 vantage point, it did not appear that it was.

13 BY MS. BROADDUS:

14 **Q. But you actually didn't see it, correct?**

15 **A. I did not physically see it.**

16 **Q. We had some conversation earlier that sometimes**
17 **when I use the word "Taser," for you it does not include**
18 **the phrase "drive stun," correct?**

19 **A. Correct.**

20 **Q. And I asked you earlier on if you had ever been**
21 **tased, and you said you had not, correct?**

22 **A. Correct.**

23 **Q. Have you ever been drive stunned?**

24 **A. I have been in a fight where the lines crossed**
25 **over me in the fight. So I have had that voltage go**

259

1 **through me. I have not had the probes actually inside me.**

2 **But during a fight I have had the lines come across me and**
3 **incapacitate me during a fight.**

4 **Q. Did that incapacitate you for a period of time?**

5 **A. For a quick second, yes.**

6 **Q. Was it painful?**

7 **A. Not painful, but just uncomfortable.**

8 **Q. And where were you at -- where did this crossing**
9 **take place on your body.**

10 **A. Across my arms and my back.**

11 **Q. So it's fair to say you've never been tased or**
12 **drive stunned in the testicles, correct?**

13 **A. Correct.**

14 **Q. And you were talking about traffic stops, and**
15 **you've done numerous of them over the years. Is that a**
16 **fair statement?**

17 **A. Yes.**

18 **Q. You've been an officer for almost 11 years.**
19 **Would you say about a hundred a year?**

20 **A. Please don't quote me on that, but --**

21 **Q. Ballpark?**

22 **A. Ballpark.**

23 MR. POPOLIZIO: Over 11 years?

24 THE WITNESS: 11 years.

25

260

1 BY MS. BROADDUS:

2 **Q. So a hundred a year for 11 years is a ballpark**
3 **average?**

4 MR. POPOLIZIO: Form.

5 BY MS. BROADDUS:

6 **Q. Or a hundred stops over 11 years?**

7 **A. Correct.**

8 **Q. So it's over your 11 years you've probably done**
9 **about hundred stops total?**

10 **A. Correct.**

11 **Q. Did you ever stop anyone for failure to use a**
12 **turn signal?**

13 **A. Yes.**

14 **Q. How many times?**

15 **A. I couldn't recall.**

16 **Q. And you testified earlier you don't really know**
17 **what the statute says as to what a turn signal --**

18 **A. Verbatim, no.**

19 **Q. Were you aware that there were charges against**
20 **Anya Chapman and Johnny Wheatcroft?**

21 **A. What kind of charges?**

22 **Q. As a result of these offenses there were criminal**
23 **charges?**

24 **A. Yes.**

25 **Q. And they were dismissed as to Johnny, correct?**

273

1 I, the undersigned, say that I have read the
 2 foregoing transcript of testimony taken June 5, 2019, and
 3 I declare, under penalty of perjury, that the foregoing is
 4 a true and correct transcript of my testimony contained
 5 therein.

6
 7 EXECUTED this _____ day of _____, 2019.
 8
 9
 10
 11
 12

 OFFICER MARK JOSEPH LINDSEY
 13
 14
 15
 16
 17
 18
 19
 20
 21
 22
 23
 24
 25

274

1 STATE OF ARIZONA)
 2) ss.
 3 COUNTY OF MARICOPA)
 4 BE IT KNOWN that the foregoing proceedings were
 5 taken before me; that the witness before testifying was
 6 duly sworn by me to testify to the whole truth; that the
 7 questions propounded to the witness and the answers of the
 8 witness thereto were taken down by me in shorthand and
 9 thereafter transcribed through computer-aided
 10 transcription under my direction; that the foregoing is a
 11 true and correct transcript of all proceedings had upon
 12 the taking of said proceedings, all done to the best of my
 13 skill and ability.

14 I CERTIFY that I am in no way related to nor
 15 employed by any of the parties hereto nor am I in any way
 16 interested in the outcome hereof.

17 (X) Review and signature was requested.
 18 () Review and signature was waived.
 19 () Review and signature was not requested.
 20

21 I CERTIFY that I have complied with the ethical
 22 obligations set forth in ACJA Sections 7-206(F)(3) and
 23 7-206(J)(1)(g)(1) and (2). DATED at Scottsdale, Arizona,
 24 this 1st day of July, 2019.
 25

 MONICA S. BERRY, RPR, CR
 Certified Reporter
 Arizona CR No. 50234

18 * * * * *
 19
 20 I CERTIFY that Berry & Associates, LLC has
 21 complied with the ethical obligations set forth in ACJA
 22 Sections 7-206(J)(1)(g)(1) and (6).
 23

 BERRY & ASSOCIATES, LLC
 Registered Reporting Firm
 Arizona RRF No. R1033
 24
 25

EXHIBIT 5

Page 1

IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE DISTRICT OF ARIZONA

Johnny Wheatcroft and Anya)
Chapman, as husband and wife, and)
on behalf of minors J.W. and B.W.,)

Plaintiffs,) Case No.:
) 2:18-cv-02347-MTL
vs.)

City of Glendale, a municipal)
entity; Matt Schneider, in his)
official and individual)
capacities; Mark Lindsey, in his)
official and individual)
capacities; and Michael Fernandez,)
in his official and individual)
capacities,)

Defendants.)
)

DEPOSITION OF MATTHEW WILLIAM SCHNEIDER

Phoenix, Arizona
June 1, 2020
9:15 a.m.

REPORTED BY:
MONICA S. BERRY, RPR
Certified Reporter
Certificate No. 50234
PREPARED FOR:
MR. JOSEPH J. POPOLIZIO
ATTORNEY AT LAW
(COPY)

Page 2

I N D E X
WITNESS PAGE
MATTHEW WILLIAM SCHNEIDER

EXAMINATION MS. BROADDUS 5

E X H I B I T S

Exhibits	Description	Marked
43	Thumb drive of Officer Schneider's body-worn camera video	180
44	Thumb drive of Officer Lindsey's body-worn camera video	180
45	Thumb drive of the Motel 6 surveillance camera video	180
46	City of Glendale Loyalty Oath, Bates No. CoG_WHEATCROFT 000828 (1 page)	25
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DEPOSITION OF MATTHEW WILLIAM SCHNEIDER was taken on June 1, 2020, commencing at 9:15 a.m. at the law offices of JONES, SKELTON & HOCHULI, P.L.C., 40 North Central Avenue, Suite 2700, Phoenix, Arizona, before MONICA S. BERRY, RPR, a Certified Reporter in the State of Arizona.

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Ms. Julie Wanner, paralegal to Mr. Popolizio
Ms. Alexz Thompson, paralegal to Ms. Broaddus

Page 41

1 **Q. What type of things did you say that he did to**
2 **spin or that he lied about?**

3 MR. POPOLIZIO: Form.

4 THE WITNESS: I mean, just the tasing in the
5 balls; how I on purpose pulled his pants down; how many
6 times I tased him; that I lied about the traffic stop, I
7 lied about the demanding his identification.

8 BY MS. BROADDUS:

9 **Q. What do you mean, lied about demanding his**
10 **identification?**

11 **A. You'd have to ask him that. I don't --**

12 **Q. Well, you said it was a lie. I guess I'm trying**
13 **to figure out what the lie was that you did or did not**
14 **demand identification.**

15 **A. No, just the reason for it.**

16 **Q. I guess I'm confused. What do you mean by that?**

17 **A. He had said the reason I demanded his**
18 **identification was because he had his seat belt on, but**
19 **you could clearly see in the video that he did not.**

20 **Q. So it's your position that you were asking him**
21 **for identification because he didn't have his seat belt on**
22 **in the parking lot?**

23 **A. Yes, ma'am.**

24 **Q. When did you first realize he didn't have a seat**
25 **belt on in the parking lot?**

Page 42

1 **A. When I was approaching him on foot.**

2 **Q. Do you know when he took his seat belt off or**
3 **unhooked it?**

4 MR. POPOLIZIO: Form.

5 THE WITNESS: No.

6 BY MS. BROADDUS:

7 **Q. He could have unhooked it at any time between the**
8 **time he was on the property until you came up to the car,**
9 **correct?**

10 MR. POPOLIZIO: Form; foundation.

11 THE WITNESS: Sure, he could have.

12 BY MS. BROADDUS:

13 **Q. And that wouldn't have been a violation of any**
14 **laws, correct, because that's private property?**

15 MR. POPOLIZIO: Form; foundation.

16 THE WITNESS: I think I'm able to articulate
17 that I had reasonable suspicion that he didn't have his
18 seat belt on.

19 BY MS. BROADDUS:

20 **Q. Okay. Why did you stop the car in the first**
21 **place?**

22 **A. Turn signal violation.**

23 **Q. What was the violation?**

24 **A. Turn signal violation.**

25 **Q. What's required for a turn signal violation?**

Page 43

1 **A. That you signal prior to a turn at 100 feet.**

2 **Q. You know there's more requirements, right?**

3 **A. Okay.**

4 **Q. You're aware that it has to impact traffic, to be**
5 **actually a violation, correct, under Arizona law?**

6 MR. POPOLIZIO: Form.

7 Go ahead.

8 THE WITNESS: I didn't realize that.

9 BY MS. BROADDUS:

10 **Q. So you didn't know the seat belt law in Arizona.**
11 **Is that a fair statement?**

12 MR. POPOLIZIO: Form.

13 THE WITNESS: Seat belt law and the turn
14 signal laws are different. We were just speaking about
15 the turn signal violation.

16 BY MS. BROADDUS:

17 **Q. Well, is it fair to say you didn't know what the**
18 **turn signal laws were in Arizona when you stopped this**
19 **vehicle?**

20 MR. POPOLIZIO: Form.

21 THE WITNESS: No. I think I have an
22 understanding of them.

23 BY MS. BROADDUS:

24 **Q. And did you see the vehicle 100 feet before the**
25 **turn?**

Page 44

1 **A. No, ma'am.**

2 **Q. So you wouldn't have known if there was a turn**
3 **signal on at any point during that time?**

4 **A. Prior to me seeing the vehicle, no.**

5 **Q. And you don't know if there's any other traffic**
6 **on the roadway where the vehicle was before it turned into**
7 **the motel?**

8 **A. No, ma'am.**

9 **Q. And you weren't aware that the turn signal**
10 **violation applies only when other traffic may be affected**
11 **by the movement?**

12 MR. MITCHELL: Objection.

13 MR. POPOLIZIO: Form.

14 THE WITNESS: I did not know that.

15 BY MS. BROADDUS:

16 **Q. I read in your reviews that you liked to stay up**
17 **to date on what the current laws are in other matters**
18 **relating to what's current in law enforcement; is that**
19 **correct?**

20 **A. Yes, ma'am.**

21 **Q. Okay. But you didn't with regard to the seat**
22 **belt -- I'm sorry -- with regard to the turn signals; is**
23 **that correct?**

24 **A. I believe I did.**

25 **Q. Well, actually, there's a -- do you read the**

Page 45

1 cases or just the statutes, or how do you get your
2 information on the laws that you try to keep up on?

3 A. Usually --

4 MR. POPOLIZIO: Form.

5 THE WITNESS: I mean, usually the statute.
6 I have read case law in the past.

7 BY MS. BROADDUS:

8 Q. You weren't aware that there was actually a
9 specific case on point that said that if a violation was
10 to be suspected there must have been traffic -- there must
11 have been some possibility that traffic would be affected
12 by the movement. You're not aware of that as the law in
13 Arizona?

14 MR. POPOLIZIO: Form and foundation.

15 Could we have the case that you just read
16 from stated on the record?

17 THE WITNESS: I -- I didn't know that's what
18 the case law said, no.

19 BY MS. BROADDUS:

20 Q. And you weren't aware of that the statute for a
21 turn signal violation required that it impact other
22 traffic or affect other traffic on the roadway, correct?

23 MR. POPOLIZIO: Form.

24 THE WITNESS: I didn't know that detail was
25 in there.

Page 46

1 BY MS. BROADDUS:

2 Q. Were you aware that you don't have to wear your
3 seat belt on private property?

4 MR. POPOLIZIO: Form.

5 THE WITNESS: That's correct.

6 BY MS. BROADDUS:

7 Q. And when you approached the vehicle, was it still
8 moving?

9 A. The vehicle?

10 Q. Yes.

11 A. When I approached it in my vehicle or on foot?

12 Q. On foot.

13 A. No. I think it was -- I think it was parked.

14 Q. Okay.

15 A. Or stopped, I mean.

16 Q. When you saw the vehicle turning into the Motel 6
17 parking lot, could you see the passenger and the driver of
18 the vehicle?

19 A. No.

20 Q. So you couldn't tell if they were wearing their
21 seat belt or not when you saw the turn?

22 A. No, ma'am.

23 Q. So the only thing is that when you got to the car
24 that was already stopped, passenger had already unbuckled
25 his seat belt, correct?

Page 47

1 MR. POPOLIZIO: Form.

2 MR. MITCHELL: Objection; form.

3 THE WITNESS: I didn't know that he had
4 unbuckled it or not. I realized when I was approaching
5 the vehicle on foot that he was hugging his seat belt.

6 BY MS. BROADDUS:

7 Q. When you approached the vehicle you made some
8 comment about, throw your turn signal on when you turn,
9 correct?

10 A. I believe it was something like that, yes.

11 Q. Why didn't you make the same statement to the
12 passenger, hey, you need to wear your seat belt?

13 A. I didn't do a good job articulating that at that
14 time.

15 Q. Are you familiar with the motel where this
16 incident occurred?

17 A. Yes, ma'am.

18 Q. And had you been there on prior occasions?

19 A. Yes, ma'am.

20 Q. Had you made other arrests in that parking lot
21 before?

22 A. Yes, ma'am.

23 Q. On how many occasions, approximately?

24 A. Dozens.

25 Q. Before you made the stop on this vehicle what

Page 48

1 were you doing?

2 A. I don't know.

3 Q. Did you have another vehicle stop? Do you know?

4 A. No, ma'am.

5 Q. You don't recall; is that a fair statement? Or
6 do you know?

7 A. No, I didn't have another vehicle stopped.

8 Q. Were you talking with any other people that were
9 on the roadway?

10 A. No, ma'am.

11 Q. What was your position for going in the back
12 alley of the parking lot?

13 A. For going in the back alley?

14 That was usually the direction we patrolled
15 the complex.

16 Q. So you randomly went in through that parking --
17 into the parking lot. Is that a fair statement?

18 A. Yes, ma'am.

19 Q. Have you ever been charged with a crime, a
20 misdemeanor or felony?

21 A. No, ma'am.

22 Q. Have you ever been charged with a traffic
23 offense?

24 A. I think I've gotten a traffic ticket before.

25 Q. Did you get a traffic ticket while you were

Page 49

1 employed as a City of Phoenix police officer?

2 A. I was never a City of Phoenix police officer.

3 Q. I'm sorry, City of Glendale. I apologize.

4 A. I don't believe so.

5 Q. Are you aware of any current investigations that

6 the City of Glendale is doing with regard to you?

7 A. No, ma'am.

8 Q. Have you spoken with the FBI at all regarding

9 this incident?

10 A. No, ma'am.

11 Q. And you're aware that they're doing an

12 investigation; is that true?

13 A. Yes, ma'am.

14 Q. Have you had any -- you or any of your

15 representatives had any communications with the FBI, as

16 far as you know?

17 A. I have not. I don't know about anybody else.

18 Q. Who notified you that there was an investigation

19 being done by the FBI?

20 MR. MITCHELL: Objection. We're just

21 getting close to attorney-client communication, and I want

22 to be careful here.

23 You can answer that question.

24 THE WITNESS: It was Chief Briggs.

25 ///

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1 investigation regarding you, correct?

2 A. Yes, ma'am.

3 Q. Have you had any communications with AZPOST

4 regarding the investigation?

5 A. One of my attorneys has, yes.

6 Q. Outside of your communications with the

7 attorneys -- I don't want to know what you've talked about

8 with your attorneys, but outside of that, have you had any

9 communications with AZPOST unrelated to your attorneys as

10 to the proceedings?

11 A. I have not, no.

12 Q. And that was a really bad question.

13 Fair statement would be that you didn't have

14 any communications with AZPOST outside -- that did not

15 involve your attorneys, correct?

16 A. That's correct.

17 Q. Do you know if that investigation is ongoing?

18 A. I believe it's still open, but as far as I know

19 it's over with.

20 Q. Are you aware of any other investigations against

21 you other than by the FBI and Arizona POST?

22 A. No, ma'am.

23 Q. Did you receive any positive feedback or

24 recognition from the City of Glendale relating to your

25 actions involving the Wheatcroft family?

Page 50

1 BY MS. BROADDUS:

2 Q. And your counsel has a point. I don't want to

3 know about any conversations that you've had with your

4 attorneys specifically. This is people other -- so you

5 learned from Chief Briggs that the FBI was doing an

6 investigation, correct?

7 A. Yes, ma'am.

8 Q. Did the FBI request an interview with you?

9 A. Yes, ma'am.

10 Q. And you rejected that interview or declined; is

11 that right?

12 MR. MITCHELL: Objection.

13 I'm going to instruct you not to answer the

14 question.

15 BY MS. BROADDUS:

16 Q. So you indicated you were requested to do an

17 interview by the FBI, correct?

18 A. Yes, ma'am.

19 Q. And I believe you said to date you haven't done

20 an interview, is that correct, with the FBI?

21 A. Correct.

22 Q. How long ago did they request an interview?

23 A. I know it was in March of -- I think it was last

24 year, March of 2019.

25 Q. And you're aware that the AZPOST has initiated an

Page 52

1 MR. POPOLIZIO: Form.

2 THE WITNESS: Positive feedback?

3 BY MS. BROADDUS:

4 Q. Or recognition, yes.

5 A. No. No recognition. I would say that my chiefs

6 and supervisors have told me that they appreciate me

7 continuing to come to work every day and do my job with

8 integrity. But other than that, no.

9 Q. Did they criticize you at all for the way you

10 handled it?

11 A. No, ma'am.

12 Q. Have you ever been disciplined by the City of

13 Glendale?

14 A. Yes, ma'am.

15 Q. How many times?

16 A. Several.

17 Q. When was the most recent time that you were

18 disciplined by the City of Glendale?

19 A. This case.

20 Q. And my understanding of that was you were

21 suspended for three days in connection with that, and that

22 suspension was in September of 2018. Does that sound

23 correct?

24 MR. POPOLIZIO: Form.

25 THE WITNESS: Yes.

Page 53

BY MS. BROADDUS:

Q. Did you have any discussions with Chief St. John regarding your suspension?

A. I did.

Q. What was your conversation with him about that?

A. It was the appeal process. And, I mean, it was basically just talking about the discipline process and -- and it was my appeal right. I don't really know much what else to say about it.

Q. So once you were handed a suspension where they indicated there was going to be discipline, did you appeal immediately thereafter?

A. There's a process that you have to go through. You have to submit a memo to request an appeal, and then you get scheduled for a date.

Q. Did you submit a memo?

A. I did.

Q. Who did you submit the memo to?

A. I think it was the chief's secretary. And I don't know if it was a memo or an e-mail. I think it was a memo.

Q. Then what happens after you submit the memo?

A. The chief's secretary schedules you for a meeting with the chief.

Q. Is that what happened in your case? You

Page 54

submitted the memo and then you got a meeting with the chief?

A. Yes, ma'am.

Q. What happened at that meeting with the chief?

A. We talked about the case. I basically just told my side of the story, and that was really the end of the meeting. I don't remember what day that fell on, but I remember that it was towards the end of a week. And he, the chief, had called me the following week while I was at home and told me that he was going to uphold the three-day suspension.

Q. Are you aware of the suspensions and the disciplines for each type of action that is in violation of Glendale's policies and procedures? Are you a part of that at all?

MR. POPOLIZIO: Form.

THE WITNESS: I don't think I have any part of that.

BY MS. BROADDUS:

Q. There's a chart of basically sanctions. That's something you don't deal with. Is that a fair statement?

A. That's correct.

Q. Have you ever seen it?

A. Yes, but it's been like several years.

Q. Do you know why you didn't receive a sanction

Page 55

that was within the range of discipline for the actions that you were found to be in violation of?

MR. POPOLIZIO: Form; foundation.

THE WITNESS: I have no clue.

Page 56

Q. My records indicate that in June of 2008 you were suspended for one day for destruction of a citizen's private property or personal property. Do you recall that?

A. Yes, ma'am.

Q. Can you tell me about that.

A. That was the first search warrant that I had ever written, and at the conclusion of the case it's -- the process is done differently now, but I was given a blue packet with various items on it that were seized from the search warrant, one of those items being a surveillance camera system. The owner of that camera system had been arrested for possession of dangerous drugs for sale, and it was -- I was under the impression that at the conclusion of the case that he wasn't allowed to have the camera system back, which, in essence, I guess would have aided him in the sale of illegal drugs. So I authorized that item for destruction, and I ended up getting a one-day suspension.

Q. A month earlier than that you also had another one-day suspension for failing to follow a supervisor's direct order relating to a pocketknife incident, correct?

Page 57

1 A. Yes, ma'am.

2 Q. Other than those incidents, have you ever been
3 disciplined by the City?

4 A. I believe so, yes.

5 Q. What other times?

6 A. I had made an arrest -- and this was well before
7 2008, I would say. I lost a suspect's keys out of his
8 personal property. They were found the next day in the
9 center console of my patrol vehicle. I believe that was
10 a -- I believe that was a memo of correction.

11 My first or second year after I had gotten
12 hired, myself and another officer had taken a school bus
13 down a street to get to a perimeter position, and that
14 incident, I believe it was also a memo of correction, and
15 I also got a commendation for thinking outside the box. I
16 think that's it.

17 Q. We've talked about six different instances where
18 you've had some form of discipline by the City. Do you
19 recall any other incidents where you may have been
20 disciplined by the City?

21 A. I don't.

22 Q. As a result of the events that occurred at the
23 Motel 6, were you instructed or requested to undergo any
24 additional training?

25 A. After the discipline was issued or before?

Page 59

1 this first page and there's a section that says, "Action
2 required." The box under that says, "Merit increase."

3 Do you see that?

4 A. I do.

5 Q. Was there anytime you did not receive a merit
6 increase during your employment with the City of Glendale
7 as part of your annual review?

8 A. No, ma'am.

9 Q. I'll have you go to the second page of this
10 document, please. And by the way, at the very bottom
11 right-hand side of the page there's numbers. Those are
12 the Bates numbers, and on the second page it has 757 at
13 the bottom.

14 Do you see that?

15 A. Yes, ma'am.

16 Q. So if I refer to one of those Bates numbers,
17 that's the number there. They are in consecutive order,
18 okay?

19 A. Okay.

20 Q. On this second page of this document there are
21 various boxes, and about the fourth box, fifth box down it
22 has, "Comments." And it begins with your name, Matt with
23 a comma.

24 Do you see that?

25 A. Yes, ma'am.

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1 Q. At any time as a result of those events that

2 happened at Motel 6 were you ever instructed to undergo
3 any additional training?

4 A. No, ma'am.

5 (Deposition Exhibit No. 47 was marked for
6 identification.)

7 BY MS. BROADDUS:

8 Q. You've been handed a document that's been marked
9 as Exhibit 47. At the top of the page it says,
10 "Performance Management Program Core Competency and Goal
11 Review."

12 Do you see that?

13 A. I do.

14 Q. In that upper section it has the review period,
15 and on this one it says July 1st of 2007 to June 30th,
16 2008.

17 Do you see that?

18 A. Yes, ma'am.

19 Q. Below that it has a supervisor's name, and here
20 it says Sergeant Marc Mccauslin.

21 Do you see that?

22 A. Yes, ma'am.

23 Q. Was he your sergeant during that period of time?

24 A. Yes.

25 Q. And there's some boxes that can be checked on

Page 60

1 Q. It says you received discipline after a fellow
2 officer was injured as a result of your having a
3 pocketknife out and open. You received additional
4 discipline after destroying a person's personal property
5 that was seized.

6 Do you see that?

7 A. Yes, ma'am.

8 Q. Those are the two matters we had just talked
9 about, correct?

10 A. Correct.

11 Q. I'm going to have you go to the page that at the
12 bottom it says 759 as the Bates number.

13 A. Okay.

14 Q. In the comment section, which is the second box,
15 it says again, "Matt, you received discipline for failing
16 to follow an order which resulted in a fellow officer
17 being injured. You subsequently received a one-day
18 suspension. You also received notice of intent to suspend
19 after you destroyed property."

20 Again, those are the same two incidents we
21 talked about, correct?

22 A. Yes, ma'am.

23 Q. I'd like to go to Bates number 763. At the top
24 of the page it says, "Employee self-appraisal."

25 Do you see that?

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1 MR. POPOLIZIO: Foundation.

2 THE WITNESS: I don't.

3 BY MS. BROADDUS:

4 Q. Did you get a review for the 2017 to '18 period
5 of time?

6 A. I did.

7 Q. Did that review address the incident that
8 involved the incident that occurred at Motel 6?

9 A. I don't know if it did or not.

10 Q. Do you recall any review that you had that
11 addressed that issue?

12 A. I believe it would have been my last review, but
13 I don't know what the dates were on that.

14 Q. How would you say that Sergeant LaBrant
15 supervised you?

16 MR. MITCHELL: Objection; form.

17 MR. POPOLIZIO: Form.

18 THE WITNESS: I would say that he supervised
19 me like everybody else in the squad.

20 BY MS. BROADDUS:

21 Q. And how was that? What did he do to supervise
22 you?

23 A. What did he do?

24 I mean, as long as -- as long as you were
25 doing your job, he approved of it. We would typically sit

Page 78

1 down at the beginning of shift and go around the circle,
2 and if anybody had any pending investigations going on or
3 anything that they wanted to work in particular, in my
4 experience he would weigh those out and determine what we
5 were going to do for that day or that week or, I guess,
6 that moment in time on some points.

7 Q. Would he go out on your shifts with you guys?

8 A. Yes.

9 Q. How often did he go out with you?

10 A. Daily.

11 Q. From the time that you began with the NRS until
12 you left that, did your duties change at all?

13 A. Yeah, I'd say they did.

14 Q. How did they change?

15 A. Like I said I -- when -- when I started -- or
16 when Sergeant Rohkohl came to our squad we were more
17 enforcement-driven. That turned into about a year's
18 period where we worked a lot of undercover investigations
19 and buying drugs.

20 Once Sergeant Rohkohl left, that portion of
21 our job kind of faded a little bit and we did a lot more
22 community-driven events. We did do some surveillance
23 under Sergeant Shoop, but it wasn't as much as we had done
24 in the past.

25 And then once Sergeant LaBrant came, that

Page 79

1 was, again, more enforcement-driven, less undercover work
2 or surveillance but more -- I mean, for lack of a better
3 term, boots on the ground, trying to find out who was out
4 there on the street committing the crimes.

5 Q. Did your job duties change within NRS after the
6 Motel 6 incident?

7 A. No.

8 Q. Did Sergeant LaBrant have any meetings with NRS
9 to discuss the incident that occurred at Motel 6?

10 A. I don't believe so, no.

11 Q. In your review it talks about you taking
12 basically a leadership role training and helping out other
13 officers, correct?

14 A. Yes, ma'am.

15 Q. Would you report any issues to your supervisor
16 regarding any people that you were supervising?

17 A. I wouldn't say I was directly supervising them.
18 I never held that type of authority. But, yes, if there
19 was something that blatantly stuck out, yes, I would bring
20 it to a supervisor's attention.

21 Q. Have you had to do that on occasion with NRS?

22 A. Yes.

23 Q. Are you certified to teach law enforcement in any
24 particular area?

25 A. Not in any particular area, no.

Page 80

1 Q. Were you ever certified to teach?

2 A. I was.

3 Q. What were you certified as?

4 A. General instructor.

5 Q. When was that?

6 A. I don't recall.

7 Q. Was it during just a certain period of time that
8 you were with Glendale or was it --

9 A. Yeah, I would say -- it was during my time in
10 NRS. I know that. That's when I went through general
11 instructor school.

12 Q. When you were in the academy were you trained on
13 use of force?

14 A. I was.

15 Q. Since the academy have you been trained on use of
16 force?

17 A. Yes, ma'am.

18 Q. How often?

19 A. Usually about every year.

20 Q. Is that part of the annual training provided by
21 the City of Glendale?

22 A. Yes, ma'am.

23 Q. Did you receive any other training on use of
24 force other than by anyone other than Glendale or as part
25 of the academy training?

Page 81

1 A. No, ma'am.

2 Q. So is it fair to say that during your 17 years

3 with the City of Glendale all your training on use of

4 force has been provided by Glendale? Correct?

5 A. Yes, ma'am.

6 Q. Are you familiar with Glendale's use of force

7 policies?

8 A. Yes.

9 Q. What about their arrest policies?

10 A. Yes.

11 Q. And NRS's policies, the ones specifically for

12 that unit?

13 A. Yes.

14 Q. As well as vehicle stop policies?

15 A. Yes, ma'am.

16 Q. Do you have discretion as to whether to follow

17 the policies?

18 A. Do I have discretion?

19 Q. Yes.

20 A. I'd say the policies are merely a guideline. But

21 in general, yes, you try to follow policy.

22 Q. If you don't follow the policies can you be

23 disciplined by the City?

24 A. Yes.

25 Q. So if you choose to exercise discretion under the

Page 83

1 A. Yes, ma'am.

2 Q. So de-escalation is a way to try and prevent

3 something from becoming volatile?

4 A. Yes.

5 Q. When you were with the City of Glendale did they

6 train you on how to promote de-escalation?

7 A. I -- I don't know if they did or not.

8 Q. What type of training was provided? What kind of

9 suggestions were provided by the City of Glendale to help

10 de-escalation?

11 A. I don't recall really anything specific. I know

12 we had gone through de-escalation training in our AOT,

13 which is our yearly training. Like I said, I don't

14 remember offhand what exactly it was.

15 Q. As part of the de-escalation training, if you

16 have an officer who's involved in a matter, and obviously

17 your adrenaline can get going, is part of the

18 de-escalation to have that officer step aside and someone

19 else kind of come in and help keep control of the matter?

20 MR. POPOLIZIO: Form.

21 THE WITNESS: It can be, yes.

22 BY MS. BROADDUS:

23 Q. Is that something that Glendale promotes, to have

24 officers help other officers to make sure that they don't

25 do something to escalate a problem?

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1 policy you could be disciplined, correct?

2 MR. POPOLIZIO: Form.

3 THE WITNESS: I suppose you could, yes.

4 BY MS. BROADDUS:

5 Q. As part of your annual training during your

6 17 years with Glendale, did they ever provide you with any

7 training on de-escalation tactics?

8 A. Yes.

9 Q. How often?

10 A. I don't know.

11 Q. Did you receive any de-escalation training by

12 anyone other than Glendale during your 17-year tenure with

13 them?

14 A. No, ma'am.

15 Q. What is your understanding of de-escalation?

16 A. I mean, in a basic term, just knowing how to talk

17 to people.

18 Q. What does that mean?

19 A. I don't know how to make it any simpler than that

20 other than knowing how to communicate back and forth with

21 somebody.

22 Q. What's the purpose of it?

23 A. To de-escalate a situation.

24 Q. You don't want to inflame the matter more to make

25 things more volatile. Is that a fair statement?

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1 MR. POPOLIZIO: Form.

2 THE WITNESS: I don't know if that was ever

3 specifically talked about. I think that's just more of a

4 human nature thing to do.

5 BY MS. BROADDUS:

6 Q. So you don't recall receiving any training on an

7 officer taking steps to prevent another officer from

8 engaging in any particular type of activity?

9 MR. POPOLIZIO: Form.

10 THE WITNESS: I don't.

11 BY MS. BROADDUS:

12 Q. Do you think it's important that if an officer

13 sees another officer engaging in something that could be

14 questionable, to stop them from doing it?

15 MR. POPOLIZIO: Form.

16 THE WITNESS: Yes.

17 BY MS. BROADDUS:

18 Q. Do you think that that officer has an obligation

19 to the community to do that?

20 MR. POPOLIZIO: Form.

21 THE WITNESS: Yes.

22 BY MS. BROADDUS:

23 Q. How were the duties of the NRS officers different

24 from regular patrol officers?

25 A. We are more -- we're not tied to the radio, so we

Page 93

1 BY MS. BROADDUS:
 2 Q. Do you ever ask the person to get out of the car?
 3 A. Yes.
 4 Q. Is that one of the first things you do to try and
 5 use a de-escalation tactic to have them get out of the
 6 car --
 7 MR. POPOLIZIO: Form.
 8 BY MS. BROADDUS:
 9 Q. -- with their hands where you can see them?
 10 MR. POPOLIZIO: Form.
 11 THE WITNESS: I wouldn't -- no, I wouldn't
 12 say that's how -- I wouldn't say that's how officers do
 13 it, no.
 14 BY MS. BROADDUS:
 15 Q. Under what circumstances would you not ask a
 16 passenger to get out of the car when you want to have them
 17 removed from the car?
 18 A. I mean, you're going to ask them to get out of
 19 the car, but you don't just typically have them walk out
 20 nonchalant. That's not typically the safest thing to do.
 21 Q. Do you communicate with the passenger to let them
 22 know what you're doing?
 23 A. Yeah. When circumstances are present, yes, you
 24 do.
 25 Q. Did you ever tell Mr. Wheatcroft to get -- or ask

Page 94

1 him to get out of the car?
 2 A. I believe I did.
 3 Q. We'll watch the video shortly. I'm just going to
 4 tell you you never asked him to get out of the car. You
 5 never told him that you were removing him from the car.
 6 You never gave him any instructions.
 7 A. Okay.
 8 MR. POPOLIZIO: Form.
 9 BY MS. BROADDUS:
 10 Q. When you have that situation, how is a person
 11 supposed to know what to do?
 12 MR. POPOLIZIO: Form; foundation.
 13 BY MS. BROADDUS:
 14 Q. If you don't give them any instructions and you
 15 don't tell them what you want?
 16 MR. POPOLIZIO: Form; foundation.
 17 THE WITNESS: I think I did tell him.
 18 BY MS. BROADDUS:
 19 Q. When do you believe you told him?
 20 A. We'll see it in the video.
 21 Q. Why did you approach the passenger's side of the
 22 vehicle that day?
 23 A. Couple of reasons. One, it was the path to least
 24 resistance. Second was it doesn't make any sense for me
 25 to walk in front of my patrol vehicle and in front of the

Page 95

1 vehicle that we stopped. You know, there's just a safety
 2 issue there with getting run over or pinned between cars.
 3 Q. I believe you testified earlier the reason that
 4 you were approaching the vehicle was because you believed
 5 that there was no turn signal -- there was a turn signal
 6 violation, correct?
 7 A. Yes, ma'am.
 8 MR. MITCHELL: Objection; form.
 9 MR. POPOLIZIO: Join.
 10 BY MS. BROADDUS:
 11 Q. And you've seen the videos of -- the surveillance
 12 videos where your vehicle was and where the car entered,
 13 correct?
 14 A. Yes, ma'am.
 15 Q. And there's pretty -- there's an archway at one
 16 of the entrances, correct?
 17 A. Yes, ma'am.
 18 Q. And the archway is where the Ford Taurus in this
 19 case came through, correct?
 20 A. Yes, ma'am.
 21 Q. And it came through from -- is it Glenn Street?
 22 Is that correct?
 23 A. Yes.
 24 Q. So it came off of Glenn, turned into the parking
 25 lot, went under the arches, correct?

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1 A. Yes, ma'am.
 2 Q. What's the distance between the arches and the
 3 street?
 4 MR. POPOLIZIO: Form; foundation.
 5 THE WITNESS: Oh, I have no idea.
 6 BY MS. BROADDUS:
 7 Q. Is it more than a car length?
 8 MR. POPOLIZIO: Foundation.
 9 THE WITNESS: I honestly have no idea.
 10 BY MS. BROADDUS:
 11 Q. You earlier testified you had been at the
 12 property on many occasions, but as you sit here today, you
 13 don't know how far it is, correct?
 14 MR. POPOLIZIO: Form.
 15 THE WITNESS: That's correct.
 16 BY MS. BROADDUS:
 17 Q. What's passive resistance?
 18 A. I believe passive resistance, and I'd have to
 19 refer to the policy to read verbatim from it, but that can
 20 be construed as somebody who doesn't necessarily want to
 21 do what you're telling them to do. It's not necessarily
 22 physical resistance.
 23 Q. If an officer requests something from someone
 24 they see on the street, a civilian, and that person
 25 doesn't want to comply, they're not legally obligated to

Page 97

1 comply, can you use passive resistance on them -- can you
2 use resistance on them?

3 MR. POPOLIZIO: Form.

4 THE WITNESS: Can I use resistance on them?

5 BY MS. BROADDUS:

6 Q. Can an officer?

7 A. I don't know what that means, can I use
8 resistance on them.

9 Q. Can you use any level of force on someone who
10 hasn't done anything wrong?

11 MR. POPOLIZIO: Form.

12 THE WITNESS: It depends.

13 BY MS. BROADDUS:

14 Q. If a person doesn't want to ask (sic) a question
15 by an officer, and they're not legally obligated to answer
16 that question, can you use force against that person?

17 MR. POPOLIZIO: Form.

18 THE WITNESS: For that reason in and of
19 itself, no.

20 BY MS. BROADDUS:

21 Q. What types of control can you use for someone
22 who's engaged in passive resistance?

23 A. I'd say control holds, maybe threaten the use of
24 a Taser or OC spray.

25 And like I said, I'd have to read the policy

Page 98

1 verbatim to be able to quote it.

2 Q. When you approached the vehicle -- which you
3 pulled over for a traffic violation, correct?

4 A. Yes, ma'am.

5 Q. -- for failure to use a turn signal, other than
6 making a passive comment about using a turn signal when
7 entering -- when executing a turn, did you have any other
8 communications with the driver?

9 A. I don't believe so, no.

10 Q. So your focus was on the passenger, correct?

11 A. Well, Officer Lindsey was contacting the driver,
12 I believe.

13 Q. And Officer Lindsey, you're aware, never saw any
14 turn signal violation, correct?

15 A. I'm aware of that, yes.

16 Q. Why did you go hands on with Johnny Wheatcroft?

17 A. Because he started reaching down into the center
18 console.

19 Q. Did you ask him not to?

20 A. I did.

21 Q. And did he stop when you asked him not to?

22 A. Into the center console, no.

23 Q. He kept reaching after you said, don't reach into
24 the console?

25 MR. POPOLIZIO: Form.

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1 BY MS. BROADDUS:

2 Q. You're saying that he continued to reach in
3 there?

4 A. I'd have to watch the video, but, I mean,
5 everything happened so quickly. That was not the first
6 time that he had reached into something.

7 Q. What else did he reach into?

8 A. A backpack.

9 Q. And you asked him not to reach into a backpack,
10 correct?

11 A. I did.

12 Q. And did he say -- did he agree or did he say no?

13 What did he do?

14 A. No, he agreed.

15 Q. Did he reach back into the backpack?

16 A. No.

17 Q. And then you say he reached into a console?

18 A. Yes.

19 Q. Do you know what was in his hands?

20 A. I have no idea.

21 Q. Don't you think as an officer it would be
22 important to know what's in somebody's hands when you're
23 approaching a vehicle?

24 A. Ideally, yes.

25 Q. Do you recall him having a soda in one hand?

Page 100

1 A. No.

2 Q. Do you recall him having money in the other
3 hand?

4 A. No.

5 Q. As an officer, you would want to know what's in
6 his hands, correct?

7 I mean, if he had a weapon, that would be a
8 concern to you, correct?

9 A. Absolutely.

10 Q. And I'll just tell you, when we watch the video
11 you're going to see that he had cash, some dollar bills,
12 in one hand and a soda in the other hand, which you took
13 from him. Okay?

14 A. Okay.

15 MR. MITCHELL: Objection; form.

16 MR. POPOLIZIO: Join.

17 BY MS. BROADDUS:

18 Q. And from the time that you approached the door,
19 he had that cash in his left hand. Okay?

20 MR. POPOLIZIO: Form.

21 BY MS. BROADDUS:

22 Q. Were you aware of that?

23 MR. POPOLIZIO: Form.

24 THE WITNESS: Okay.

25 ///

1 BY MS. BROADDUS:

2 Q. Were you aware that even after you said he was
3 stuffing things in the seats he still had that cash in his
4 hand? Were you aware of that?

5 A. No.

6 Q. Were you aware that he had the cash in his hand
7 after he was tased, pulled out of the car, put on the
8 ground, put in a prone position, was tased again, and he
9 still had that cash his hand? Were you aware of that?

10 MR. MITCHELL: Form.

11 MR. POPOLIZIO: Join.

12 THE WITNESS: No.

13 BY MS. BROADDUS:

14 Q. And so you're saying you perceived a threat from
15 Johnny; is that correct?

16 A. Absolutely.

17 Q. What was the threat?

18 A. I mean, do you want to go through the whole
19 video?

20 Q. I'll go through the whole video, but I'm trying
21 to understand why you went hands on with someone who had
22 something in their hand the entire time -- cash -- and as
23 an officer who's trained to watch for details would have
24 seen that he had cash in his hand the entire time; that
25 nothing was stuffed anywhere; that he listened to you when

1 you said not to get in the bag, not to stuff anything; he
2 said okay; and then you went hands on with him. I'm
3 trying to figure out why you went hands on with him at
4 that time.

5 MR. MITCHELL: Objection to form.

6 MR. POPOLIZIO: Is that a question?

7 MS. BROADDUS: Yeah. I'm asking why he went
8 hands on at that time.

9 MR. POPOLIZIO: Form.

10 THE WITNESS: Okay. Johnny had reached into
11 the bag. He had initially complied and put the bag down.
12 I actually even think he said he was sorry.

13 Shortly after that he had turned his body
14 and looked up at me and began reaching into the center
15 console. Whether there was a gun, a knife, a grenade, I
16 don't know what's in that center console.

17 Shortly after that is when I had a
18 semi-control hold on his right arm. He's still seated in
19 that front passenger seat. He still has access to not
20 only the backpack but the center console. There are five
21 total people in the vehicle. I clearly had not checked
22 his waistband or anything like that, or his pockets, his
23 pants. I mean, he had access to everything in that
24 vehicle. I don't know what's in that vehicle.

25 My job is to go home to my family at the end

1 of the night, and that's what I had to do.

2 BY MS. BROADDUS:

3 Q. Do you think what you did was right that day?

4 A. I do.

5 Q. Now, let's talk about that. Why did you -- you
6 asked him for his identification. What was the purpose
7 for asking him for his identification?

8 A. Identifying him.

9 Q. Okay. Do you think he had the right to refuse to
10 identify himself?

11 A. I don't.

12 Q. Why?

13 A. Because he didn't have a seat belt on.

14 Q. So he had his seat belt over his shoulder,
15 correct?

16 A. Correct.

17 Q. But it wasn't latched in the -- hooked. Is that
18 what you're saying?

19 (Ms. Wanner left the conference room.)

20 THE WITNESS: Yes, ma'am.

21 BY MS. BROADDUS:

22 Q. So when you approached the car a seat belt was
23 partially on him, correct?

24 MR. POPOLIZIO: Form.

25 THE WITNESS: No.

1 BY MS. BROADDUS:

2 Q. It wasn't partially over him?

3 A. No, ma'am. It's either on or it's off.

4 Q. So the seat belt was over his shoulder, correct?

5 A. He was hugging the seat belt.

6 Q. He what?

7 A. He was hugging the seat belt.

8 Q. You don't know what -- he was hugging? What do
9 you mean, he was hugging his seat belt?

10 MR. MITCHELL: Form.

11 MR. POPOLIZIO: Form.

12 THE WITNESS: He was hugging the seat belt.
13 It was over his right shoulder not buckled.

14 BY MS. BROADDUS:

15 Q. So you don't know if he was taking it off or
16 putting it on. Is that a fair statement?

17 A. I don't know what he was doing with it.

18 Q. But the car was -- as you already said, it was
19 already stopped at that point, correct?

20 MR. MITCHELL: Form.

21 MR. POPOLIZIO: Join.

22 THE WITNESS: Yes, ma'am.

23 BY MS. BROADDUS:

24 Q. So you have a car that you said didn't have a
25 turn signal. You don't really care about what the

Page 105

1 driver's doing. You go to the passenger side. Your only
2 communications are really with the passenger. I mean, it
3 certainly seems that you were really looking for something
4 to -- or trying to create some kind of issue with this
5 passenger.

6 Is that kind of your MO, to kind of push
7 people to the extremes when you approach a car like that?

8 MR. POPOLIZIO: Objection; form.

9 THE WITNESS: You're wrong.

10 BY MS. BROADDUS:

11 Q. Okay. Do you normally take that kind of steps
12 with someone over a seat belt violation?

13 MR. POPOLIZIO: Form.

14 THE WITNESS: What -- what steps?

15 BY MS. BROADDUS:

16 Q. Threatening with a Taser, threatening to take
17 them him to jail because they don't want to provide an
18 identification.

19 MR. POPOLIZIO: Form.

20 BY MS. BROADDUS:

21 Q. Is that normally what you do when somebody has a
22 seat belt violation for a car that's already parked in a
23 parking lot?

24 MR. POPOLIZIO: Form.

25 THE WITNESS: In this instance, yes, that's

Page 106

1 what I did.

2 BY MS. BROADDUS:

3 Q. And you think those are appropriate actions for a
4 police officer?

5 MR. POPOLIZIO: Form.

6 THE WITNESS: I do.

7 BY MS. BROADDUS:

8 Q. Did you think that Johnny had committed other
9 crimes? Were you looking for something in his car that
10 day? Were you looking for him to maybe have drugs or
11 something?

12 MR. POPOLIZIO: Form.

13 THE WITNESS: I know there was a trespassing
14 authorization on form -- or on file with the City. But
15 whether or not he had committed a crime, I don't know.

16 BY MS. BROADDUS:

17 Q. The trespass warning allows -- doesn't tell you
18 to harass customers who are lawfully to be there, correct?

19 MR. POPOLIZIO: Form.

20 THE WITNESS: No, that's not what the form

21 says.

22 BY MS. BROADDUS:

23 Q. Okay. And were you aware of the events that took
24 place that day that -- why Johnny was there?

25 MR. POPOLIZIO: Form.

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1 THE WITNESS: I have no clue.

2 BY MS. BROADDUS:

3 Q. So it's fair to say that you didn't know that
4 Johnny had just picked up his kids, took them to a candy
5 store, brought them to the motel with his wife so they
6 could have family day because that's what they could
7 afford. You weren't aware of that, correct?

8 MR. POPOLIZIO: Form.

9 THE WITNESS: No. I was not, no.

10 BY MS. BROADDUS:

11 Q. And you weren't aware that that cash in his hand
12 was to pay for the room so they could have quality time
13 together as a family there, were you?

14 MR. POPOLIZIO: Form.

15 THE WITNESS: No.

16 BY MS. BROADDUS:

17 Q. And instead, these two kids see both their
18 parents arrested, correct?

19 This is their family day. This is what they
20 get to see, correct?

21 MR. MITCHELL: Form. We're getting --

22 MR. POPOLIZIO: Form.

23 MR. MITCHELL: -- really close to a 30 (d)

24 issue where you are asking questions only for the purpose
25 of annoying and insulting this individual. You are not

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1 eliciting information that leads to discoverable important
2 information, and I'm not going to let it go on.

3 MR. POPOLIZIO: Join.

4 MS. BROADDUS: Well, I just wanted to make
5 sure he was aware of these things or he wasn't. And I
6 certainly can ask those questions.

7 MR. MITCHELL: Absolutely unacceptable. You
8 are not going to ask those questions.

9 MS. BROADDUS: I can ask those questions.

10 MR. MITCHELL: Absolutely not. We're
11 getting very close to 30 (d).

12 MS. BROADDUS: And I'm trying to get
13 information from this witness as to what he knew and what
14 he didn't know.

15 MR. POPOLIZIO: But you can't do in
16 violating the rule.

17 MS. BROADDUS: I'm not violating the rule.
18 I disagree with you that.

19 MR. POPOLIZIO: That's our position.

20 MS. BROADDUS: I disagree with you on that.

21 BY MS. BROADDUS:

22 Q. I'd like you to go to Exhibit No. 6, please.

23 A. Okay.

24 Q. And I'm going to have you go to the page that is
25 marked as Bates No. 450.

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1 A. Okay.

2 Q. You talked about -- we've talked briefly about

3 the types of resistance and methods of control. Have you

4 seen this chart before?

5 A. Yes.

6 Q. And the first type of resistance is passive. Do

7 you see that?

8 A. Yes, ma'am.

9 Q. And in passive it says, "Suspect fails to obey

10 any command or direction of the officer. Displays no acts

11 of assault, threat, nonverbal compliance, and never

12 resists control attempt of the officer."

13 Do you see that?

14 A. I do.

15 (Ms. Wanner entered the conference room.)

16 BY MS. BROADDUS:

17 Q. In that first sentence where it says, "Suspect

18 fails to obey any command or direction," is that accurate?

19 A. I believe so.

20 Q. So if an officer asks someone to do something

21 that is not a lawful command, that person is still

22 obligated to do it under what this rule says?

23 MR. POPOLIZIO: Form.

24 THE WITNESS: I don't see that it says

25 lawful command anywhere.

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1 Q. Could he have gotten out of the car and walked

2 away?

3 A. Yeah, I suppose he could have.

4 Q. Would that have been unlawful if he would have

5 gotten out of the car and walked away?

6 MR. POPOLIZIO: Form.

7 THE WITNESS: I believe so, yes.

8 BY MS. BROADDUS:

9 Q. Why?

10 A. Because he was in violation of a seat belt

11 violation -- seat belt law.

12 Q. Did you ever cite him for not wearing a seat

13 belt?

14 A. No.

15 Q. Have you seen the police report in this case?

16 A. I've seen bits and pieces of it.

17 Q. Did you see anything where he was ever charged

18 with not wearing a seat belt?

19 A. No.

20 Q. Were you aware he wasn't charged with that?

21 A. I mean, I would assume he wasn't charged with

22 that.

23 Q. Why would you assume that?

24 A. I didn't write him any tickets.

25 Q. Do you know who wrote citations for him?

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1 BY MS. BROADDUS:

2 Q. Okay. So it would include, suspect could fail to

3 obey any unlawful command and still be subject to this --

4 it would be considered this type of resistance, correct?

5 If it's overbroad and just says any command, correct?

6 MR. POPOLIZIO: Form.

7 THE WITNESS: I -- I don't know.

8 BY MS. BROADDUS:

9 Q. Do you rely on this chart to guide you as to how

10 you are going to -- what levels of force you're going to

11 use?

12 A. Do I rely on it?

13 Q. Yes.

14 A. I guess to an extent. I mean, it is our policy

15 and it is a guideline. I think more importantly what I'm

16 feeling at the time and my judgment, you know, so I can go

17 home safe at the end of my shift, that's what I rely on

18 most.

19 Q. When you approached the vehicle that day, was

20 Johnny Wheatcroft free to leave?

21 A. No.

22 Q. Why was he not free to leave?

23 A. Because I have the right to seize that vehicle

24 for an appropriate amount of time. We conducted a traffic

25 stop on the vehicle.

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1 A. I don't know if anybody did or not.

2 Q. Do you know if the driver was cited for not using

3 a turn signal?

4 A. I have no clue.

5 Q. After you left the area that day at the Motel 6

6 where did you go?

7 A. We probably went to lunch, but I -- I don't -- I

8 have no clue.

9 Q. When did you start your shift that day?

10 A. I mean, I'd have to look at the time clock, but

11 we typically started at 1:00 p.m.

12 Q. And this happened -- do you know what time this

13 happened?

14 Let me ask you that.

15 A. Dinnertime; 5:00, 6:00, 7:00 o'clock. I don't

16 recall what the exact time was.

17 Q. And you think you went to lunch after that?

18 A. Probably.

19 Q. Where did you go after you went to lunch?

20 A. Either back out on the street or to the station

21 or QT for a restroom break or -- I mean, there's a number

22 of places where we would frequent.

23 Q. How long were you at the scene before you left?

24 A. I have no clue. Maybe an hour.

25 Q. With your body-cam footage, do you upload that

<p style="text-align: right;">Page 113</p> <p>1 from your vehicle or do you do that at the station?</p> <p>2 A. At the station.</p> <p>3 Q. When did you upload the videos in this case?</p> <p>4 A. I believe at the end of my shift.</p> <p>5 Q. Did you have straight shift hours?</p> <p>6 A. I don't know what that means.</p> <p>7 Q. Did you have set hours?</p> <p>8 A. Yes. For the most part, yeah.</p> <p>9 Q. What were your general hours?</p> <p>10 A. Usually 1:00 to 11:00 p.m.</p> <p>11 Q. So at the end of the shift did you upload all</p> <p>12 your videos that day or just certain ones? Or how did you</p> <p>13 decide?</p> <p>14 A. No. Typically we just take our -- the physical</p> <p>15 camera and dock it. We have docking stations. And it</p> <p>16 starts drawing the video into -- into AXON.</p> <p>17 Q. Then what happens after you load the video? Then</p> <p>18 what do you do?</p> <p>19 A. That's it.</p> <p>20 Q. Do you ever go back and look at the videos?</p> <p>21 A. Yes.</p> <p>22 Q. How often?</p> <p>23 A. It depends.</p> <p>24 Q. Did you go back and look at the videos in this</p> <p>25 case?</p>	<p style="text-align: right;">Page 114</p> <p>1 A. I believe so, yes.</p> <p>2 Q. Why would you believe you went back and looked at</p> <p>3 the videos?</p> <p>4 A. It was probably at the direction of a supervisor.</p> <p>5 I know I watched the video in my internal investigation,</p> <p>6 yeah.</p> <p>7 Q. After some point -- between the time that you</p> <p>8 upload the video until there was an internal</p> <p>9 investigation, which looks like it was about three months</p> <p>10 later that you had that interview, during that time could</p> <p>11 you look at your video at any time or did they put any</p> <p>12 restriction on you from accessing it?</p> <p>13 A. I have no idea.</p> <p>14 Q. Did you prepare any report relating to the</p> <p>15 Wheatcroft matter?</p> <p>16 A. No, ma'am.</p> <p>17 Q. Who prepared the report? Who was put in charge?</p> <p>18 A. It was either Lacey Tolbert or Roy Lewis. I</p> <p>19 don't know who took the original.</p> <p>20 Q. My understanding, it was Officer Lewis that took</p> <p>21 the lead.</p> <p>22 A. Okay.</p> <p>23 Q. Do you have any reason to dispute that?</p> <p>24 A. No.</p> <p>25 Q. Did you ever speak with Officer Lewis about the</p>
<p style="text-align: right;">Page 115</p> <p>1 events?</p> <p>2 A. I don't think that I did outside of when he</p> <p>3 arrived on scene.</p> <p>4 Q. After that, when you went back that night and</p> <p>5 uploaded the video, did you do any further investigation?</p> <p>6 A. I did.</p> <p>7 Q. And why did you do a further investigation?</p> <p>8 A. It was the next day. It was -- Lieutenant</p> <p>9 Montgomery had asked me at what point I had observed the</p> <p>10 turn signal. I had gone back to the Motel 6, it was the</p> <p>11 next afternoon, to review video.</p> <p>12 Q. Who was with you?</p> <p>13 A. Jeff Pittman.</p> <p>14 Q. Did you tell Officer Lewis or Officer Tolbert</p> <p>15 that you were going back to the motel?</p> <p>16 A. I don't know if I did or not.</p> <p>17 Q. After you went to the motel, did you follow up</p> <p>18 with either Officer -- well, did you follow up with</p> <p>19 Officer Lewis at all regarding the motel video?</p> <p>20 A. I don't think I followed up with him. I think I</p> <p>21 spoke again with Lieutenant Montgomery.</p> <p>22 Q. But you didn't get a copy of the video, correct?</p> <p>23 A. I did not, no.</p> <p>24 Q. And you're saying that there's a video that has</p> <p>25 been disclosed in this lawsuit, surveillance video from</p>	<p style="text-align: right;">Page 116</p> <p>1 the motel, you're saying -- did you review that video</p> <p>2 while you were at the motel?</p> <p>3 A. I think that was one of the videos I reviewed,</p> <p>4 yes.</p> <p>5 Q. How many videos did you look at at the motel?</p> <p>6 A. I know that there was at least one other one from</p> <p>7 a different angle, but I believe that's -- I believe</p> <p>8 that's it. There could have been more, but I don't -- I</p> <p>9 don't recall.</p> <p>10 Q. And in that video you watched from a different</p> <p>11 angle, did you see the Taurus make a turn?</p> <p>12 A. Yes.</p> <p>13 Q. Did you see any other traffic on the roadway?</p> <p>14 A. No, ma'am.</p> <p>15 Q. Do you know whether he used a turn signal?</p> <p>16 A. It didn't appear like it in the video.</p> <p>17 Q. Do you know whether he used a hand signal out of</p> <p>18 his window or anything?</p> <p>19 A. It didn't appear that he did.</p> <p>20 Q. Could you see the window from that angle to know</p> <p>21 if he was doing that?</p> <p>22 A. Yeah. It was more of a wide angle. I think the</p> <p>23 camera was on the -- it was on the west building, but it</p> <p>24 was the far northeast corner of the west building looking</p> <p>25 in a south or kind of southeast direction.</p>

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1 AXON it comes off of our camera. So we can't plug our
2 camera in the next day and review videos because it's
3 basically removed from our camera and put into whatever
4 database they use.

5 BY MS. BROADDUS:

6 Q. So then Item 15 above that talks about the
7 automatic deletion, those two are kind of -- they're like
8 a millisecond apart, but it looks like those two things
9 are related. Would that be correct?

10 A. Yes. I believe Item 16, when it gets marked as a
11 felony, and I could be wrong on the time frame, but I
12 think when you categorize something as a felony, it saves
13 for a hundred years or something like that.

14 Q. Why did you mark it as a felony?

15 A. Because there were felony arrests made.

16 Q. Do you know who did the arrests?

17 A. I don't know who actually made the arrests. I
18 know -- we had talked earlier about Officer Lewis took the
19 original, so I would assume that it would probably be him.

20 Q. And who told you that there was going to be
21 felonies?

22 Because you had to enter this. I'll just
23 explain. At some point you went back and entered felony
24 in there. Did you have a conversation with somebody about
25 a felony?

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1 A. Well, there were felony charges at the scene that
2 we had arrested people. So that's what that video would
3 be categorized as.

4 Q. Now, it looks like you -- there were several
5 events up through number 20 that all happened around
6 between midnight and 1:00 o'clock. The next entry is at
7 11:00 o'clock in the morning. Do you recall coming back
8 in and accessing the video?

9 A. I don't, no.

10 Q. It looks like entry numbers 21 through 26 are all
11 approximately within the same period of time. The
12 activity indicates there's buffering and that the record's
13 accessed and it was streamed. Do you know why that would
14 have been done?

15 A. I -- I don't.

16 Q. It looks like then again on entry number 30 at
17 4:00 o'clock in the afternoon you again accessed the
18 video. Do you recall why you would have accessed it
19 again?

20 A. No, ma'am, I don't.

21 Q. I'm going to have you go to the Bates numbered
22 page on the same exhibit, 3349.

23 A. Okay.

24 Q. Line number 60 there, it says the 28th of July,
25 so two days later, at 7:00 o'clock in the morning. It has

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1 that you had accessed the video and it was streamed. Do
2 you recall doing that two days afterward?

3 A. No, ma'am, I don't.

4 Q. Do you recall why -- any reason you would go in
5 two days afterwards to access that information?

6 A. No, ma'am.

7 Q. Prior to arriving on the scene that day at
8 Motel 6 did you know who Johnny Wheatcroft was?

9 A. No, ma'am.

10 Q. Did you know who Anya Chapman was?

11 A. No, ma'am.

12 Q. Do you ever recall coming across their names
13 through any other prior investigations that you had done?

14 A. No, ma'am.

15 Q. You didn't know any of the Wheatcroft children.
16 Is that fair to say?

17 A. No, ma'am, I did not.

18 Q. What about the driver, Shawn Blackburn; did you
19 know him prior to that day?

20 A. No, ma'am.

21 Q. Is it fair to say that since you didn't know
22 any -- either Johnny or Anya, that you were unaware of any
23 prior criminal history?

24 A. That's correct.

25 Q. So anything you did that day had nothing to do

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1 with any history that they may have had, correct?

2 A. No, ma'am.

3 Q. I'm going to have Alexz pull up a video. This is
4 the body cam from Officer Lindsey.

5 MR. POPOLIZIO: That's 44.

6 BY MS. BROADDUS:

7 Q. It's up on the screen, and it's at about
8 19:20 seconds in. This has been disclosed in the lawsuit.
9 It has inside a police vehicle. It has Officer Lindsey
10 getting out of the car.

11 (Video played.)

12 BY MS. BROADDUS:

13 Q. All right. We stopped it at the 40-second point.
14 I don't know if it's actual seconds or not. My
15 understanding is that is you off to the left on the
16 screen.

17 Do you see that?

18 A. I do.

19 Q. And you see an entrance to the Motel 6.

20 Do you see that?

21 A. I do.

22 Q. And there's a roadway. Is that Glenn Drive?

23 A. Yes, ma'am.

24 Q. And you'll see there's a sidewalk between the
25 parking lot area and the roadway, correct?

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1 A. Yes, ma'am.

2 Q. And then from the parking lot by the sidewalk up

3 to where the arch point is there's a -- I guess you could

4 say a block curb that's painted yellow.

5 Do you see that?

6 A. I do.

7 Q. Do you know what the distance is between the curb

8 and the arch?

9 MR. POPOLIZIO: Form.

10 THE WITNESS: I don't.

11 BY MS. BROADDUS:

12 Q. You'd say it's at least a car length. Would you

13 agree?

14 MR. POPOLIZIO: Form.

15 THE WITNESS: From the yellow curb to the

16 arch?

17 BY MS. BROADDUS:

18 Q. From the sidewalk to the arch.

19 MR. POPOLIZIO: Form.

20 THE WITNESS: Oh, I -- I don't know. I

21 don't know how far it is.

22 BY MS. BROADDUS:

23 Q. You can't say one way or another whether it's at

24 least a car length?

25 A. Not based off of a video, no, ma'am, I can't.

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1 seconds. And you see under the archway, you see the front

2 end of the Taurus coming up to the arches.

3 Do you see that?

4 A. I do.

5 Q. And from this video it looks like the front end

6 is probably either right at or underneath the arch; is

7 that correct?

8 MR. POPOLIZIO: Form.

9 THE WITNESS: It's hard to tell off of this

10 video.

11 BY MS. BROADDUS:

12 Q. Would you agree that it's no longer on Glenn

13 Drive?

14 MR. POPOLIZIO: Form.

15 THE WITNESS: I wouldn't agree with that.

16 BY MS. BROADDUS:

17 Q. You don't know whether or not or do you say it is

18 on Glenn Drive at this point?

19 A. No. You can't see whether it is or is not on

20 Glenn Drive.

21 Q. Based on your experience, would that indicate to

22 you that the car is no longer on Glenn Drive?

23 A. I -- I don't know.

24 Q. Do you see the police cruiser that you were in at

25 this point?

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1 Q. What about your experience and all of the times

2 that you've been at the parking lot in this motel; do you

3 have any understanding of whether that's at least a car

4 length between Glenn Drive and the archway?

5 A. I would have to be out there.

6 MS. THOMPSON: Surveillance?

7 MS. BROADDUS: Yes.

8 We're going to switch videos. We're going

9 to the Motel 6 surveillance video. We're going to slow it

10 down just a little bit.

11 (Video played.)

12 BY MS. BROADDUS:

13 Q. Have you seen the Motel 6 surveillance video

14 before?

15 A. Yes, ma'am.

16 Q. And this appears to be consistent with that; is

17 that true?

18 MR. POPOLIZIO: Form.

19 THE WITNESS: Yes, ma'am.

20 BY MS. BROADDUS:

21 Q. Would you -- it's very slow.

22 (Video played.)

23 BY MS. BROADDUS:

24 Q. All right. At this point we've stopped at the

25 14-second point. I'm just going to refer to it as

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1 A. No, ma'am.

2 MS. BROADDUS: Okay. Go a little bit

3 further.

4 (Video played.)

5 BY MS. BROADDUS:

6 Q. At this point you see the cruiser. Do you see

7 that?

8 A. Yes, ma'am.

9 Q. And the car is all the way through the arches; is

10 that correct?

11 A. Yes, ma'am.

12 Q. Is this when you saw the turn signal?

13 A. I can't tell you where I saw the turn signal on

14 this particular video. I -- I just know that when I came

15 around the corner I had seen the vehicle without a turn

16 signal on and told Mark Lindsey at that point that they

17 had not used their turn signal.

18 Q. Could the car have already completed its turn by

19 the time you saw it, which would indicate why you wouldn't

20 have seen a turn signal?

21 MR. POPOLIZIO: Form; foundation.

22 MR. MITCHELL: Form.

23 THE WITNESS: I suppose it's possible, but I

24 remember thinking to myself and knowing what I saw, and

25 that's why I made a traffic stop.

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1 BY MS. BROADDUS:
 2 Q. Let's go to the next video. We're going to go to
 3 your body-cam footage.
 4 A. Okay.
 5 (Video played.)
 6 BY MS. BROADDUS:
 7 Q. At this point it's driving along, and you're on
 8 the back side of the parking lot, correct? You're getting
 9 ready to turn towards the area where the arch is, correct?
 10 A. Yes, ma'am.
 11 (Video played.)
 12 BY MS. BROADDUS:
 13 Q. At this point -- we're stopping at the 36-second
 14 part. You've just opened your door and are getting out of
 15 the vehicle, correct?
 16 A. Yes, ma'am.
 17 Q. And the Taurus is backed into the parking spot.
 18 Do you see that?
 19 A. I do.
 20 MS. BROADDUS: Go ahead.
 21 (Video played.)
 22 BY MS. BROADDUS:
 23 Q. At this point you've asked everybody in the car
 24 for their ID, correct?
 25 A. I asked them if they had their ID on them, yes,

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1 ma'am.
 2 Q. Who in the car, if anyone, was required to
 3 provide an ID?
 4 A. The driver and the front-seat passenger.
 5 Q. You've testified about earlier that it's because
 6 he didn't have his seat belt latched; is that correct?
 7 MR. POPOLIZIO: Form.
 8 THE WITNESS: Yes, ma'am.
 9 BY MS. BROADDUS:
 10 Q. Did you see Johnny at any point when the vehicle
 11 was on the roadway that would indicate his seat belt was
 12 not latched while he was on any roadway?
 13 A. I don't know. I just remember when I was
 14 approaching the vehicle on foot I had seen that his seat
 15 belt was not on.
 16 Q. It was unlatched, correct?
 17 A. Yes, ma'am.
 18 Q. It was over his shoulder, correct?
 19 A. Over his right shoulder, yes, ma'am.
 20 (Video played.)
 21 BY MS. BROADDUS:
 22 Q. At this point you went to the back -- we're at
 23 1 minute, 38 seconds. You went to the back of the vehicle
 24 and called in a license plate, correct?
 25 A. Yes, ma'am.

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1 Q. And then you went back to the passenger side,
 2 correct?
 3 A. I did.
 4 Q. What was the purpose of running the license
 5 plate?
 6 A. Just to check to see if the vehicle was stolen or
 7 not.
 8 MS. BROADDUS: Go ahead.
 9 (Video played.)
 10 BY MS. BROADDUS:
 11 Q. Right there you just heard -- we're stopping at
 12 1:45. You heard an exchange. You asked Johnny not to
 13 reach into his bag, and he agreed with you that he
 14 wouldn't, correct?
 15 A. Yes, ma'am.
 16 MS. BROADDUS: Okay. Go ahead.
 17 (Video played.)
 18 BY MS. BROADDUS:
 19 Q. At that point you asked him for his ID. He
 20 questioned why. And when you asked -- he asked why he had
 21 to have it, you said because it was a traffic stop,
 22 correct?
 23 A. Yes, ma'am.
 24 Q. Did you ever at any time tell him it had anything
 25 to do with the seat belt?

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1 A. No, I didn't.
 2 (Video played.)
 3 BY MS. BROADDUS:
 4 Q. There, when you had to explain why he had -- you
 5 said as a passenger he had to provide ID. Do you recall
 6 that?
 7 A. I do.
 8 Q. That's not accurate, correct?
 9 MR. POPOLIZIO: Form.
 10 THE WITNESS: No. That in and of itself is
 11 not accurate. I could have done a better job articulating
 12 why I was asking for his ID.
 13 (Video played.)
 14 BY MS. BROADDUS:
 15 Q. So at that point you say you can take him down to
 16 the station.
 17 Can you arrest someone for not wearing their
 18 seat belt?
 19 A. For that, no.
 20 Q. So that would be incorrect, that you could take
 21 him down to the station because he's not wearing his seat
 22 belt, correct?
 23 MR. MITCHELL: Form.
 24 MR. POPOLIZIO: Form.
 25 THE WITNESS: That's incorrect.

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1 BY MS. BROADDUS:
 2 Q. I'm sorry?
 3 A. I would disagree with that.
 4 Q. So you can take them down to the station because
 5 someone is not wearing a seat belt?
 6 MR. POPOLIZIO: Form.
 7 THE WITNESS: No, that's not what I said.
 8 BY MS. BROADDUS:
 9 Q. Well, explain, please.
 10 A. I believed he was in violation of the seat belt,
 11 the Title 28 violation. And when you are in violation of
 12 a traffic statute, I would have the right to -- and he
 13 doesn't have ID, I would have the right to take him and
 14 fingerprint him for identification purposes.
 15 Q. And that's all based on the assumption that you
 16 did not see him wearing a seat belt, correct?
 17 MR. POPOLIZIO: Form.
 18 THE WITNESS: I wouldn't call it an
 19 assumption, but, yes, because he didn't have a seat belt
 20 on.
 21 MS. BROADDUS: Go ahead.
 22 (Video played.)
 23 MS. THOMPSON: Do you want me to restart it?
 24 MS. BROADDUS: Yes, please.
 25 (Video played.)

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1 safety at this point?
 2 A. I don't know what's in that vehicle. And just
 3 through my experience of talking with people throughout
 4 the years and being an officer for 15 years at this point,
 5 I had an idea of where this conversation was going.
 6 Q. But at this point you've opened up the door?
 7 A. Yes, ma'am.
 8 Q. Are you saying -- what type of resistance was
 9 Johnny displaying at this point?
 10 A. I would say just verbal noncompliance.
 11 Q. And how is that -- how was he noncompliant?
 12 A. Just we were going back and forth with each
 13 other. He was questioning me, which is fine, and he's
 14 allowed to do. He had already -- and I know you had said
 15 he had complied with the backpack, and he did, but that
 16 backpack is still at his feet. There are several other
 17 people in the vehicle. I had to do what I thought was in
 18 the best interest of everybody at that point in keeping
 19 all of us safe.
 20 MS. BROADDUS: All right. Go ahead.
 21 (Video played.)
 22 BY MS. BROADDUS:
 23 Q. At this point you've made a comment about Johnny
 24 stuffing something down in the seats. Did you hear that?
 25 A. I did.

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1 BY MS. BROADDUS:
 2 Q. It's a little fuzzy on the video. We were
 3 stopping right at the point where you were opening up the
 4 car door, so we'll begin at that point.
 5 A. Yes, ma'am.
 6 MS. THOMPSON: I'm just going to let it play
 7 until we get back there.
 8 (Video played.)
 9 MS. BROADDUS: Stop there.
 10 BY MS. BROADDUS:
 11 Q. At this point you've opened up the car door,
 12 correct?
 13 A. Yes, ma'am.
 14 Q. What was the purpose of opening the car door?
 15 A. Either to take Johnny out of the vehicle -- I
 16 believe I have a right to do that, to seize the occupants
 17 and for my safety. Not only my safety, but everybody else
 18 in the vehicle as well as the other officers in the area.
 19 Q. What has Johnny done to create a situation that
 20 you feel officer safety was an issue?
 21 You asked him not to reach in a bag. He
 22 said okay. You don't say anything about reaching into
 23 anything else or reaching anywhere at this point.
 24 A. Right.
 25 Q. What was it that had you concerned about officer

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1 Q. And you can see both of Johnny's hands at this
 2 point, correct?
 3 MR. POPOLIZIO: Form.
 4 THE WITNESS: Yes.
 5 BY MS. BROADDUS:
 6 Q. And you see he has a soda in one hand, correct,
 7 in his right hand?
 8 A. Yes, ma'am.
 9 Q. And you see in the other hand there's some money?
 10 Do you see that?
 11 A. It looks like a bag is in his hand.
 12 Q. But you also see the money?
 13 A. If you were asking me at face value if I could
 14 make out what that is, I cannot make out what that is in
 15 his hand --
 16 Q. And you --
 17 A. -- off of the video.
 18 Q. I'm sorry. I didn't mean to interrupt you.
 19 And you don't have any independent
 20 recollection of what you saw in his hand that day. Is
 21 that a fair statement?
 22 A. That's fair.
 23 MS. BROADDUS: Go ahead.
 24 (Video played.)
 25 ///

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1 BY MS. BROADDUS:
 2 **Q. At this point you're manipulating**
 3 **Mr. Wheatcroft's arm.**
 4 **Do you see that?**
 5 **A. Yes.**
 6 **Q. What was the purpose of doing that?**
 7 **A. I was going to have him exit the vehicle to**
 8 **remove him from whatever he had placed down in the center**
 9 **console.**
 10 **Q. You're making that assumption even though you saw**
 11 **that he had something in his hand the whole time, correct?**
 12 MR. POPOLIZIO: Form.
 13 THE WITNESS: That's not an assumption.
 14 That's a judgment move on my part. And through my
 15 experience I believed that he had stuffed something or
 16 possibly grabbed something from the center console area.
 17 BY MS. BROADDUS:
 18 **Q. And you would agree up to this point you've never**
 19 **asked Mr. Wheatcroft to step out of the car, correct? You**
 20 **haven't heard that?**
 21 **A. No, ma'am.**
 22 **MS. BROADDUS: Go ahead.**
 23 (Video played.)
 24 BY MS. BROADDUS:
 25 **Q. Up until this point did you -- you mentioned**

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1 **earlier that when you walked up to the vehicle you saw**
 2 **that the seat belt was draped over his shoulder, correct?**
 3 **A. Yes, ma'am.**
 4 **Q. And you knew it was still there when you started**
 5 **the arm bar, correct?**
 6 MR. POPOLIZIO: Form.
 7 THE WITNESS: That wasn't one of my concerns
 8 at that point in time.
 9 BY MS. BROADDUS:
 10 **Q. Wouldn't it make it difficult to have him get out**
 11 **of the car if that was around his arm?**
 12 **A. Not if he came out willing, no, ma'am, it**
 13 **wouldn't have.**
 14 MS. BROADDUS: Go ahead.
 15 (Video played.)
 16 BY MS. BROADDUS:
 17 **Q. At that point you hear him say that he's stuck,**
 18 **and he's still in the seat belt. Did you do anything to**
 19 **tell him to get out of the car?**
 20 MR. MITCHELL: Form.
 21 MR. POPOLIZIO: Form.
 22 THE WITNESS: At that point, no.
 23 BY MS. BROADDUS:
 24 **Q. So so far -- and he is just being tased for the**
 25 **first time -- or first couple times right there. You saw**

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1 **that, correct?**
 2 **A. Yes, ma'am.**
 3 **Q. And that was by Officer Lindsey; is that correct?**
 4 **A. I believe so, yes.**
 5 **Q. Why was he being tased?**
 6 MR. POPOLIZIO: Form.
 7 THE WITNESS: He's actively resisting at
 8 that point.
 9 BY MS. BROADDUS:
 10 **Q. Was there any warning or anything said to him**
 11 **about him getting tased prior to doing that?**
 12 MR. POPOLIZIO: Form.
 13 THE WITNESS: I think there was plenty of
 14 warning. I don't remember if we had said anything about
 15 him being tased. I'd have to watch the video as a whole
 16 and not pause it every couple of seconds.
 17 BY MS. BROADDUS:
 18 **Q. So far in this video, Mr. Wheatcroft is in the**
 19 **vehicle, you approached the vehicle, he didn't want to**
 20 **provide his ID, you open up the door and he's being tased.**
 21 **You asked him not to reach in his backpack earlier. He**
 22 **said he wouldn't, and you didn't see him reach into the**
 23 **backpack again, correct?**
 24 MR. POPOLIZIO: Form.
 25 THE WITNESS: Correct.

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1 BY MS. BROADDUS:
 2 **Q. What could Mr. Wheatcroft have done differently**
 3 **up to this point to avoid being tased?**
 4 MR. POPOLIZIO: Form; foundation.
 5 THE WITNESS: To avoid being tased?
 6 I mean, he didn't have to actively resist
 7 us. The whole scene as whole was hectic with everybody in
 8 the vehicle. I mean, he was -- he was pretty upset. He
 9 was pretty angry.
 10 BY MS. BROADDUS:
 11 **Q. So you open up the door, and you put him in the**
 12 **arm bar, correct?**
 13 MR. POPOLIZIO: Form.
 14 THE WITNESS: That was not an arm bar, but
 15 it was a control hold.
 16 BY MS. BROADDUS:
 17 **Q. You put him in a control hold. Was he resisting**
 18 **when you were putting him in a control hold?**
 19 **A. I would say it was at the beginning stages,**
 20 **absolutely.**
 21 **Q. And how was he resisting?**
 22 **A. Flexing his arm.**
 23 **Q. When you were talking about this control hold,**
 24 **what's the purpose of the control hold?**
 25 **A. The purpose for that particular control hold was**

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1 so he couldn't lunge back into the vehicle and grab
2 something that I wasn't aware of.

3 Q. Isn't it true that that particular control hold
4 is also considered a pain compliance method?

5 A. That one?

6 Q. With your arm -- with an arm bent that way?

7 A. No.

8 Q. So there's no pain inflicted with that?

9 A. With that, I would say no.

10 MS. BROADDUS: Keep going.
11 (Video played.)

12 MS. THOMPSON: I'm going to pause it. I
13 think the audio is getting ahead of the video. I'm
14 pausing it. Give me second.

15 MS. BROADDUS: We'll stop the video for a
16 minute just because we're having some video difficulties.

17 MS. THOMPSON: Okay.

18 BY MS. BROADDUS:

19 Q. When did you first learn that Mr. Wheatcroft made
20 a complaint about you?

21 A. I believe it was later that night.

22 Q. It was the same night that it happened?

23 A. Yes, ma'am.

24 Q. What did you hear? What was the complaint that
25 he had made?

Page 154

1 A. I -- that was the basis of it. I just heard that
2 he had filed a complaint.

3 Q. Did he tell you what the issues were, or did you
4 learn what -- did someone tell you what the issues were?

5 A. I was advised that he was going to file a
6 complaint against me, and that was pretty much it.

7 Q. Do you remember who told you he would be filing a
8 complaint?

9 A. I think it was Sergeant Gallagher.

10 Q. Once you were told that he was going to be filing
11 a complaint, does that change what your duties are related
12 to that particular investigation?

13 A. Not that I know of, no.

14 Q. Did you ever see a copy of the complaint?

15 A. I believe so, yes.

16 Q. Are you aware that that night he complained that
17 you had tased him in the testicles?

18 A. I don't remember what exactly it said unless I
19 were to read it.

20 Q. Are you aware that he claimed that you kicked him
21 in the testicles?

22 A. I was.

23 Q. And you admitted doing that, correct?

24 A. I did.

25 Q. And you kicked him in the testicles while he was

Page 155

1 handcuffed, correct?

2 MR. MITCHELL: Form.

3 MR. POPOLIZIO: Form.

4 THE WITNESS: I didn't know at that time
5 that he was handcuffed.

6 BY MS. BROADDUS:

7 Q. When did you learn he was handcuffed?

8 A. I don't remember him ever going in the handcuffs.

9 Q. Isn't that something that you'd want to know as a
10 police officer when you're dealing with a suspect, is
11 whether they're in handcuffs or not?

12 A. In an ideal situation, yes.

13 Q. This happened in July of 2017. Do you remember
14 what the weather was like that day?

15 A. I mean, I grew up in Arizona. I'd assume that it
16 was hot, but I don't remember anything other than that.

17 Q. Do you know what the temperature of the pavement
18 was, that black pavement in the parking lot?

19 MR. POPOLIZIO: Form; foundation.

20 THE WITNESS: No.

21 BY MS. BROADDUS:

22 Q. Do you ever receive any training through the City
23 of Glendale at all when dealing with suspects who may be
24 placed on hot pavement in Arizona?

25 A. I don't remember receiving any training on that,

Page 156

1 no.

2 Q. As growing up in Arizona you know it gets pretty
3 hot, correct?

4 A. Yes, it does.

5 Q. People don't even want to have people walk their
6 pets because it gets so hot, correct?

7 A. Correct.

8 Q. It certainly would be a concern having someone
9 being -- laying on the hot asphalt. Would you agree?

10 MR. POPOLIZIO: Form; foundation.

11 THE WITNESS: Yes, ma'am.

12 BY MS. BROADDUS:

13 Q. With regard to the events that occurred that day,
14 do you take any responsibility for what happened?

15 MR. POPOLIZIO: Form; foundation.

16 THE WITNESS: I did the best job that I
17 could do that day.

18 BY MS. BROADDUS:

19 Q. Do you blame the Wheatcrofts?

20 MR. POPOLIZIO: Form.

21 BY MS. BROADDUS:

22 Q. Let me be specific. Do you blame Johnny for what
23 happened that day?

24 A. I think he could have reacted in a more civilized
25 manner, but that's not my determination to make.

Page 157

1 Q. Do you believe your actions -- well, do you
2 believe what you have called Johnny as -- that he could
3 have been more civil or acted in a more civilized manner
4 as the basis for why you acted the way you acted?
5 A. Absolutely not.
6 Q. Are you aware the charges against Johnny were
7 dismissed?
8 A. I am.
9 Q. Do you know why they were dismissed?
10 A. No, ma'am.
11 Q. Were you involved in anything to do with the
12 dismissal of the charges?
13 A. No, ma'am.
14 Q. You never asked for them to be dismissed?
15 A. No, ma'am.
16 Q. Did you ask them that they be prosecuted?
17 A. I don't have a say in that, ma'am.
18 Q. Did you make a claim as a victim as to the
19 incident involving Johnny?
20 A. I did.
21 Q. What was the basis for you to claim you were a
22 victim?
23 A. Being kicked several times by him.
24 Q. And when you said kicked, was that when -- before
25 he was laying on the ground or after he was laying on the

Page 158

1 ground?
2 A. Both.
3 Q. And you've seen the video. Have you seen in the
4 video where he's kicked you?
5 A. At one point, yes.
6 Q. Do you dispute that you tased Mr. Wheatcroft in
7 the testicles?
8 A. I do.
9 Q. Why is that?
10 A. Because I didn't tase him in the testicles.
11 Q. He's claimed since the very beginning that you
12 did, that you did tase him in the testicles. So it's fair
13 to say you dispute that?
14 A. I absolutely do.
15 Q. Have you had any conversations with
16 Mr. Wheatcroft since the events that day?
17 A. No, ma'am.
18 Q. What were you aiming for when you tased
19 Mr. Wheatcroft where he says you tased him in the
20 testicles?
21 MR. MITCHELL: Form.
22 MR. POPOLIZIO: Form.
23 THE WITNESS: What was I aiming for?
24 BY MS. BROADDUS:
25 Q. Yes.

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1 A. I would say lower right buttocks or like lower
2 thigh, just wherever the large muscle group is.
3 Q. Where do you think you tased him?
4 A. In that area.
5 Q. Which area?
6 A. The lower right thigh -- or I'm sorry. The upper
7 right thigh or lower butt area on his right side.
8 Q. Did you ever go undergo a polygraph test
9 regarding the incident that happened at Motel 6?
10 A. No, ma'am.
11 Q. Has anyone ever asked you to?
12 A. No, ma'am.
13 Q. At some point you received a notice of
14 investigation; is that correct?
15 A. Yes, ma'am.
16 Q. Do you recall who gave you the notice of
17 investigation?
18 A. I believe it was Sergeant Matt Moody.
19 Q. Did he give it to you in person?
20 A. Yes, ma'am.
21 Q. I'm going to have you go to Exhibit 31. Is this
22 the notice that you were provided by Sergeant Moody?
23 A. I believe so, yes.
24 Q. Did you have any conversation with Sergeant Moody
25 when you received this?

Page 160

1 A. I believe so, yes.
2 Q. What do you recall from that conversation?
3 A. I don't know if this was the day of the interview
4 that I had with him or not. So I don't recall what
5 exactly we talked about. If it was the day of the
6 interview, he asked me basically what happened.
7 Q. I'm going to have you go to the next exhibit
8 which is Exhibit 32.
9 A. Okay.
10 Q. This is a notice to suspend without pay for 30
11 working hours. Do you see that?
12 A. Yes, ma'am.
13 Q. How did you receive this?
14 A. I believe it was in person as well.
15 Q. And who provided this to you?
16 A. It was Commander Blanco.
17 Q. Did you have a conversation with Commander Blanco
18 when you received this?
19 A. A very brief one.
20 Q. What do you recall from that conversation?
21 A. Not much. He just explained the process, the
22 appeal process, and I think that was it.
23 Q. After you received this -- and it's dated
24 September 26th, 2018. Does that sound about right when
25 you received it?

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- 1 A. That's -- yes.
- 2 Q. And your signature is on the last page of this
- 3 document at Bates 1696. Is that your signature?
- 4 A. Yes, ma'am.
- 5 Q. And then after you receive this, is that when you
- 6 began the appeal process?
- 7 A. Yes, ma'am.
- 8 Q. And you've read this notice before, correct?
- 9 A. This notice?
- 10 Q. Yes.
- 11 A. Yes, ma'am.
- 12 Q. Were there points that you disagreed with in
- 13 here?
- 14 A. I would have to read it all like verbatim again.
- 15 It's been a long time, but I believe so. I'd say that's a
- 16 fair statement.
- 17 Q. Do you know what you were disciplined for?
- 18 A. It was a use of force policy violation.
- 19 Q. Did you disagree or agree with the decision of
- 20 the department as to the discipline for that?
- 21 A. I disagreed.
- 22 Q. As you sit here today do you believe you should
- 23 not have been disciplined?
- 24 A. I do.
- 25 Q. Do you believe you acted in conformity with what

Page 162

- 1 Glendale's policies and procedures are?
- 2 A. In the best way that I could have, yes, ma'am.
- 3 Q. There's Glendale's policies and procedures that
- 4 are written and then there are just practices that
- 5 officers have just as a general routine.
- 6 Do you find that officers within Glendale
- 7 have a tendency to act similar to the way you act or do
- 8 you think you handle your job differently than most other
- 9 officers?
- 10 MR. POPOLIZIO: Form; foundation.
- 11 THE WITNESS: I mean, I'm not going to
- 12 compare myself to most other officers, but I think --
- 13 depending upon what circumstances are presented to you, I
- 14 think everybody probably acts -- reacts a little bit
- 15 different.
- 16 I felt like that day and what was presented
- 17 to me, I felt like I kept my composure the best I could.
- 18 BY MS. BROADDUS:
- 19 Q. Have you discussed the video with other officers?
- 20 A. I have.
- 21 Q. And has it been your experience that the other
- 22 officers have agreed that you were acting consistent with
- 23 Glendale's policies and procedures or that you were not
- 24 acting within their policies and procedures?
- 25 MR. POPOLIZIO: Form.

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- 1 THE WITNESS: I mean, in my experience, I
- 2 think the people that I've talked to have agreed that I
- 3 did the right thing.
- 4 BY MS. BROADDUS:
- 5 Q. So would you agree that the consensus from your
- 6 perspective, what you've talked with other people, that
- 7 they would agree that your actions that day were
- 8 consistent with Glendale's policies and procedures and
- 9 practices?
- 10 MR. POPOLIZIO: Form; foundation.
- 11 THE WITNESS: I'd agree with that.
- 12 BY MS. BROADDUS:
- 13 Q. Are you aware of any officers who have ever been
- 14 disciplined by the City of Glendale for excessive use of
- 15 force?
- 16 A. Yes, ma'am.
- 17 Q. How many are you aware of?
- 18 A. Oh, I have no idea.
- 19 Q. Were those before or after your incident?
- 20 A. Both.
- 21 Q. Who do you recall from before?
- 22 A. I don't recall really anybody before. But I know
- 23 I've talked to people who have been in trouble for policy
- 24 violations for use-of-force-related stuff, but I don't
- 25 have any names off the top of my head.

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- 1 Q. When you talked with those people, did they --
- 2 they were still with the department, correct?
- 3 A. Yes, ma'am.
- 4 Q. So even though there was an issue on the use of
- 5 force, they still kept their jobs as police officers,
- 6 correct?
- 7 A. Yes, ma'am.
- 8 Q. Are you aware of anyone who was ever demoted for
- 9 use of force?
- 10 A. Demoted for use of force. I don't believe so.
- 11 Q. Since the incident there's been a couple of
- 12 publicized officers with Glendale for use of force. One
- 13 of them's Officer Carroll and Sergeant Aldridge. My
- 14 understanding is neither one is with the department along
- 15 with you; is that correct?
- 16 A. Yes, ma'am.
- 17 Q. Did you ever have any conversations with Officer
- 18 Carroll about the events relating to the Wheatcroft case?
- 19 A. No, ma'am.
- 20 Q. Did you have any conversations with Sergeant
- 21 Aldridge regarding the Wheatcroft incident?
- 22 A. No, ma'am.
- 23 Q. Did you ever see those videos of Officer Carroll
- 24 and Sergeant Aldridge?
- 25 A. Bits and pieces, but I don't typically watch the

Page 173

1 A. No, ma'am.

2 Q. What about the written reprimand for -- I'm

3 sorry, not the written reprimand, the one-day suspension

4 for failing to follow an order?

5 A. No, ma'am.

6 Q. What about the bus incident that happened?

7 A. I don't know that I feel one way or the other

8 about that incident.

9 Q. You were disciplined for that, correct, relating

10 to the bus incident?

11 A. Yes, ma'am.

12 Q. But then at the same time they're telling you

13 that -- they were giving you accolades for thinking

14 outside the box, correct?

15 A. Yes, ma'am.

16 Q. Do you see that as getting mixed messages to your

17 job and what you're able to do?

18 A. I don't know how to answer that question.

19 Q. But in other words, you were given an accolade

20 for doing something that was against the policies,

21 correct?

22 MR. POPOLIZIO: Form.

23 THE WITNESS: I was, yes.

24 BY MS. BROADDUS:

25 Q. When you opened up the car door for the vehicle,

Page 174

1 what was your intention?

2 A. To take Johnny out of the vehicle.

3 Q. Was that to arrest him or to detain him?

4 A. To detain him at that point.

5 Q. What was the purpose for the detainment?

6 A. He didn't have his identification. He had

7 reached twice into the vehicle, so part of what plays into

8 that is officer safety.

9 Q. Well, we watched the video. Only one time he had

10 reached for something prior to that, to the point you

11 opened up the door, where you asked him not to reach into

12 his bag --

13 A. Yes, ma'am.

14 Q. -- and now you opened up the door. So you said

15 there were two incidents that he was reaching for

16 something, but it was only one at that point, correct?

17 A. At that point, yes.

18 Q. And you met with Officer Moody during his

19 investigation of this matter, correct?

20 A. I did.

21 Q. During that investigation you guys talked about

22 the turn signal issue, correct?

23 A. Yes, ma'am.

24 Q. And are you aware that Sergeant Moody went out to

25 the scene to that area and determined there was no way you

Page 175

1 could have seen a turn-signal violation?

2 A. I was not aware of that.

3 Q. Are you aware that after you saw the -- when

4 you were talking with Sergeant Moody that you had no

5 further explanation and that it looks terrible, meaning

6 the video?

7 A. Yes, ma'am.

8 Q. Do you still stand by that position?

9 A. Yes.

10 Q. Would you agree that the video indicates you

11 would not be able to see a turn-signal violation?

12 MR. POPOLIZIO: Form; foundation.

13 THE WITNESS: It's hard to tell looking at

14 that video what I could and could not see. I can tell you

15 that I can today right now put myself in the driver's seat

16 of the Tahoe driving through the Motel 6 complex, and when

17 I turned around the corner, I thought to myself, the

18 vehicle didn't use a turn signal -- or didn't use its turn

19 signal, and that's why I made the stop.

20 BY MS. BROADDUS:

21 Q. As you sit here today, you don't recall seeing a

22 turn signal, correct?

23 A. I remember thinking to myself that I did not see

24 the turn signal, and that's why --

25 Q. And it may have already turned off, correct?

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1 MR. POPOLIZIO: Form; foundation.

2 THE WITNESS: I suppose.

3 BY MS. BROADDUS:

4 Q. When you were having your conversation with

5 Officer Moody, do you recall that he -- I'll read a quote

6 from Sergeant Moody. "I explained to Schneider that his

7 BWC shows Johnny is wearing his seat belt properly."

8 Were you aware --

9 MR. POPOLIZIO: What exhibit is that?

10 MS. BROADDUS: This is Exhibit 20 at page

11 1716, the fourth paragraph down.

12 THE WITNESS: 1716?

13 BY MS. BROADDUS:

14 Q. Yes. In the fourth paragraph, the second

15 sentence from the last -- and I'm counting that skinny

16 little paragraph as a paragraph so it's actually the next

17 paragraph up.

18 A. Oh, sorry.

19 Q. The second to the last sentence, "I explained to

20 Schneider that his BWC shows Johnny is wearing his seat

21 belt properly."

22 A. Okay.

23 Q. Do you recall having that conversation with

24 Sergeant Moody?

25 A. I do.

<p style="text-align: right;">Page 181</p> <p>1 (Deposition Exhibit Nos. 43, 44, and 45 were 2 marked for identification.) 3 (The deposition concluded at 4 2:00 p.m.) 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p style="text-align: right;">Page 182</p> <p>1 I, the undersigned, say that I have read the 2 foregoing transcript of testimony taken June 1, 2020, and 3 I declare, under penalty of perjury, that the foregoing is 4 a true and correct transcript of my testimony contained 5 therein. 6 7 EXECUTED this _____ day of _____, 2020. 8 9 10 11 12 _____ 13 MATTHEW WILLIAM SCHNEIDER 14 15 16 17 18 19 20 21 22 23 24 25</p>
<p style="text-align: right;">Page 183</p> <p>1 STATE OF ARIZONA) 2) ss. 3 COUNTY OF MARICOPA) 4 BE IT KNOWN that the foregoing proceedings were 5 taken before me; that the witness before testifying was 6 duly sworn by me to testify to the whole truth; that the 7 questions propounded to the witness and the answers of the 8 witness thereto were taken down by me in shorthand and 9 thereafter transcribed through computer-aided 10 transcription under my direction; that the foregoing is a 11 true and correct transcript of all proceedings had upon 12 the taking of said proceedings, all done to the best of my 13 skill and ability. 14 15 I CERTIFY that I am in no way related to nor 16 employed by any of the parties hereto nor am I in any way 17 interested in the outcome hereof. 18 19 (X) Review and signature was requested. 20 () Review and signature was waived. 21 () Review and signature was not requested. 22 23 I CERTIFY that I have complied with the ethical 24 obligations set forth in ACJA Sections 7-206(F)(3) and 25 7-206(J)(1)(g)(1) and (2). DATED at Scottsdale, Arizona, this 17th day of December, 2020. _____ MONICA S. BERRY, RPR, CR Certified Reporter Arizona CR No. 50234 * * * * * I CERTIFY that Berry & Associates, LLC has complied with the ethical obligations set forth in ACJA Sections 7-206(J)(1)(g)(1) and (6). _____ BERRY & ASSOCIATES, LLC Registered Reporting Firm Arizona RRF No. R1033</p>	

EXHIBIT 6

UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

Johnny Wheatcroft and Anya Chapman, as husband and wife, and on behalf of minors J.W. and B. W.,
Plaintiffs,
vs.
City of Glendale, a municipal entity; Matt Schneider, in his official and individual capacities; Mark Lindsey, in his official and individual capacities; and Michael Fernandez, in his official and individual capacities,
Defendants.

No. 2:18-cv-02347-MTL

THE DEPOSITION OF SHAWN BLACKBURN

Phoenix, Arizona
August 31, 2020
9:13 a.m.

(ORIGINAL)
PREPARED FOR:
DISTRICT COURT

REPORTED BY:
Herder & Associates
Marty Herder, CCR, CSR
Certified Court Reporter
AZ-CR No. 50162

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THE DEPOSITION OF SHAWN BLACKBURN,

Taken at 9:13 a.m., on August 31, 2020, at the Law Offices of JONES SKELTON & HOCHULI, PLC, 40 North Central Avenue, Suite 2700, Phoenix, Arizona, 85004, before Marty Herder, Certified Court Reporter, pursuant to the Rules of Civil Procedure.

COUNSEL APPEARING:

For the Plaintiffs:

ATTORNEYS FOR FREEDOM
BY: Jody L. Broadus, Esq.
3185 South Price Road
Chandler, Arizona 85248

For the Defendants:

JONES SKELTON & HOCHULI, PLC
BY: Joseph J. Popolizio, Esq.
40 North Central Avenue
Suite 2700
Phoenix, Arizona 85004

Also present: Diane Shoemaker
Julie Wanner

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Phoenix, Arizona
August 31, 2020
9:13 a.m.

SHAWN BLACKBURN,

called as a witness herein, having been first duly sworn, was examined and testified as follows:

E X A M I N A T I O N

BY MR. POPOLIZIO:

Q. Could you state your full name for the record, please.

A. Shawn Wayne Blackburn.

Q. What is your date of birth, Mr. Blackburn?

A. 8-27-82.

Q. And my name is Joe Popolizio.

I'm an attorney here with Jones Skelton & Hoculi.

I represent the City of Glendale and three officers who were sued in this action, Michael Fernandez, Mark Lindsey, and Matthew Schneider.

I'm going to sit here and ask you some questions today?

A. Okay.

Q. So, I just want to get a little bit of background about you. Okay?

Are you married?

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1 A. Silver.

2 Q. Because I really can't tell. So it's a silver

3 Ford Taurus.

4 A. Yes.

5 Q. What year is it?

6 A. I forget the year. I don't even have it anymore.

7 Q. Okay.

8 A. I couldn't tell you really.

9 I think it's a -- I think it's an '02.

10 Q. Could be an '02. Could it be an '04?

11 A. I don't think it was that new.

12 Q. In any event, you got rid of it sometime after

13 that incident?

14 A. Yes.

15 Q. Do you remember when -- did you sell it?

16 A. Yes.

17 Q. And do you remember about what time you sold that

18 car?

19 A. I don't remember. I don't recall.

20 Q. Do you remember to whom you sold the car?

21 A. No. I didn't know.

22 Q. Do you still have any maintenance records for that

23 car?

24 A. No.

25 Q. Any invoices for repairs or anything like that?

1 A. No.

2 Q. And when you drove that car, the silver Ford

3 Taurus into the parking lot at the Motel 6 that date, you

4 actually parked it in a spot in the parking lot at Motel 6;

5 correct?

6 A. Yes.

7 Q. And that Motel 6 had -- has two parking lots;

8 right?

9 A. One in front, one in the middle.

10 Q. So when you're talking about the one in the front

11 and one in the middle, which is the one you pulled into?

12 A. I parked in the middle.

13 Q. And that is the parking lot near the office of the

14 motel?

15 A. Yeah.

16 Q. And when you pulled into the parking lot at

17 Motel 6 on the date of the incident, you had some passengers

18 with you; right?

19 A. Yes.

20 Q. So you had Johnny Wheatcroft with you; right?

21 A. Yes.

22 Q. And he was in the front passenger seat of that

23 vehicle; correct?

24 A. Correct.

25 Q. And then in the back seat Anya Chapman was seated

1 in the back seat; right?

2 A. Back passenger, yes.

3 Q. The back passenger seat behind the driver; is that

4 right?

5 A. No, the passenger seat behind the passenger side.

6 Q. Okay.

7 So you believe that she was seated behind

8 Mr. Wheatcroft?

9 A. Yes.

10 Q. Are you sure of that?

11 A. I'm not for certain, no.

12 Q. But she was in the back seat passenger area;

13 right?

14 A. Yes, she was in the back seat.

15 Q. Who else was in the back sheet with her?

16 A. Her two children.

17 Q. Do you remember their names?

18 A. I don't recall their names.

19 Q. And they were two boys; right?

20 A. Yes.

21 Q. Do you remember how old the boys were?

22 A. I don't know how old they were. I know the older

23 one -- I would be guessing if I told you.

24 Q. Does Jonathan Wheatcroft ring any bells with

25 regard to the names of one of the children?

1 A. I think that's the older one.

2 Q. How about Brody Wheatcroft?

3 A. Yes, that's the younger one.

4 Q. Sometimes we just need to be prompted a little

5 bit.

6 A. Yes.

7 Q. I didn't ask you at the beginning. Do you recall

8 where the children were seated in the back seat of your car

9 when you pulled into the parking lot of Motel 6?

10 A. Honestly I don't know where they were situated in

11 the back seat. I know Johnny was sitting next to me in

12 front, but that's all I know.

13 Q. Now, I didn't ask you this at the beginning, but

14 I'll ask you this now. Have you ever had your deposition

15 taken before in a civil matter, like this?

16 A. No.

17 Q. Have you ever been a party to a civil lawsuit,

18 ever sued anybody or ever been sued?

19 A. No.

20 Q. Here today you're not represented by any attorney;

21 right?

22 A. No.

23 Q. And you're not represented by any attorney with

24 regard to this lawsuit; right?

25 A. No.

1 A. I don't know if he did or not. I don't recall.

2 Q. So you might have spoken to officers at the actual

3 scene of the incident; right?

4 A. Right.

5 Q. And you're saying that you did speak with officers

6 at the scene of the incident; right?

7 A. I believe so.

8 Q. Was one of the officers with whom you spoke an

9 Officer Lewis?

10 A. I don't recall.

11 MR. POPOLIZIO: Hold on one second.

12 (Brief pause.)

13 MR. POPOLIZIO: Going to take a short break.

14 (Brief recess taken.)

15 BY MR. POPOLIZIO:

16 Q. Before we took a break, we were talking about the

17 interview that occurred at the Glendale Police Department

18 immediately after this incident. Okay?

19 A. Okay.

20 Q. I wasn't thinking of the scene when I was asking

21 you questions about your interview. I was thinking about

22 the interview that occurred at the department.

23 All right?

24 A. Okay.

25 Q. You understand that all now?

1 A. Yes.

2 Q. But the officer that interviewed you you're saying

3 was at the scene also?

4 A. I had two interviews.

5 Q. I'm talking just at the police department.

6 A. That's what I'm speaking of too.

7 Q. Yeah, the first one, the first interview I'm

8 talking about.

9 A. Okay.

10 Q. Was the first interview that you had done by an

11 officer that you saw at the scene also?

12 A. Yeah, one of the officers.

13 Q. Okay. And that's I think we were -- I was getting

14 confused. I won't say we.

15 A. Okay.

16 Q. So when you had that interview, the first

17 interview immediately after the incident, at Glendale Police

18 Department, were you informed that drugs were found in your

19 car?

20 A. It was said, yes.

21 Q. And do you know what type of drug was found in

22 your car?

23 A. Yes.

24 Q. What?

25 A. I believe they found a --

1 MS. BROADDUS: Object to form.

2 THE WITNESS: They found methamphetamines in the

3 back seat.

4 BY MR. POPOLIZIO:

5 Q. And you were told that by whom?

6 A. I read it on the police report.

7 Q. During that interview were you informed that drugs

8 were found in your car?

9 A. I believe so, yes.

10 Q. And do you know whose methamphetamine it was that

11 was found in your car?

12 A. No.

13 MS. BROADDUS: Object to form.

14 BY MR. POPOLIZIO:

15 Q. Was it yours?

16 A. No.

17 Q. And you told the police officer who interviewed

18 you at the police department immediately after the incident

19 that night that the drugs weren't yours; right?

20 A. Right.

21 Q. Are you sure that the drugs in your car weren't

22 yours?

23 A. Yes.

24 Q. In fact, during your interview, immediately after,

25 at the station, conducted by this Glendale police officer,

1 you were pretty adamant that the drugs found in your car

2 were not yours.

3 A. Yeah. They were not mine.

4 Q. And how could you be sure that those drugs were

5 not yours, Mr. Blackburn?

6 A. Because I didn't have drugs and I wasn't doing

7 drugs at the time.

8 Q. Do you have any idea whose drugs this

9 methamphetamine found in your car belongs to?

10 A. I don't.

11 MS. BROADDUS: Object to form.

12 BY MR. POPOLIZIO:

13 Q. Do you have any idea how this methamphetamine got

14 into your car?

15 A. No.

16 Q. There was some discussion during the interview

17 whether it could have been there for a long period of time,

18 but you just didn't know it was there; do you recall that?

19 A. I don't recall it.

20 Q. Okay.

21 So, before the date of the incident, how long

22 before the date of the incident had it been since you had

23 used methamphetamine?

24 MS. BROADDUS: Object to form.

25 THE WITNESS: It was a while. I couldn't tell you

1 A. Yes.

2 MS. BROADDUS: Form.

3 BY MR. POPOLIZIO:

4 Q. So, that's why you were pretty sure that those

5 drugs weren't yours in the car, right?

6 A. Yeah, they weren't my drugs.

7 Q. Because you were clean, correct?

8 A. Yes.

9 Q. And you were getting yourself tested, correct?

10 MS. WANNER: It's time to call.

11 MR. POPOLIZIO: Okay. It's time to call in to the

12 judge.

13 THE WITNESS: Okay.

14 (Whereupon, a call was placed to the court.)

15 MR. POPOLIZIO: Hello.

16 COURT CLERK: Good morning. Who just joined the

17 call?

18 MR. POPOLIZIO: Joe Popolizio and Jody Broaddus

19 and everybody else who is present here for the deposition of

20 Shawn Blackburn.

21 COURT CLERK: Okay. So I have Jody Broaddus,

22 Joseph Popolizio.

23 MR. POPOLIZIO: Yes.

24 COURT CLERK: Any other counsel?

25 MR. POPOLIZIO: No. My paralegal Julie Wanner,

1 bit of information as to why you require my assistance?

2 MR. POPOLIZIO: Yes, Your Honor, and as a

3 preliminary matter I wanted to check, is it -- if it is

4 appropriate to have our court reporter also record this,

5 because I know that the court has one going on too. So I

6 just wanted to check with the court with regard to that.

7 THE COURT: Okay. And then let me ask you this,

8 could you hear me okay on your end?

9 MR. POPOLIZIO: Yes, because we put the volume up

10 to the maximum.

11 THE COURT: Okay. So go ahead, please.

12 MR. POPOLIZIO: So, Your Honor, Mr. Blackburn is

13 being deposed today.

14 He is a witness to the incident, the subject

15 incident of this lawsuit.

16 He is not a party to this lawsuit, and that's

17 pretty clearly established both by just the pleadings in

18 this case but also in deposition testimony today.

19 Early on in his deposition, and before even I

20 asked the questions which comprise the excerpt that was just

21 filed with you, I asked Mr. Blackburn whether he was

22 represented with regard to this matter, this action.

23 He said no.

24 I also asked him whether he was represented with

25 regard to this particular deposition.

1 Mr. Blackburn, and a representative of the City of Glendale

2 Diane Shoemake, and of course our esteemed court reporter

3 Marty Herder.

4 COURT CLERK: Thank you for the roll call. We're

5 just waiting to get set up in the courtroom here, so it will

6 be just a moment before we get started.

7 MR. POPOLIZIO: Thank you.

8 (Brief pause.)

9 COURT CLERK: Now on the record, Case No.

10 CV18-2347, Wheatcroft, et al., versus City of Glendale, et

11 al., before the court for a discovery dispute hearing.

12 Counsel, if you could please announce your

13 presence again for our record.

14 MR. POPOLIZIO: Joseph Popolizio on behalf of

15 defendants.

16 MS. BROADDUS: And Jody Broaddus on behalf of the

17 plaintiffs.

18 THE COURT: Good morning. I can hear you both

19 pretty good. If I need you to repeat something, I'll just

20 say so. If my court reporter has an issue, she may ask you

21 to repeat something.

22 So I'm going to ask you both to speak slowly and

23 as clearly as you can.

24 So, I have the notice. I took a look at it.

25 Mr. Popolizio, would you like to give me a little

1 He definitively said no again.

2 It is clear from what he has said that he is not

3 represented by Ms. Broaddus with regard to this particular

4 incident.

5 To be clear, I'm not interested in any other

6 matter for which he may have consulted Ms. Broaddus, civil

7 or criminal. I'm interested in the conversations he had

8 with regard to this, to this incident, in the context of the

9 claims presented by plaintiff in this particular litigation.

10 Mr. Blackburn would be the holder of the

11 privilege, as you know. However, he has clearly stated that

12 there is no attorney-client relationship between, between

13 him and Ms. Broaddus.

14 Again, I'm not here to pry into any other matter

15 he may have consulted her for.

16 Conversely, Your Honor, I asked him questions

17 about communications from my office. And if there was any

18 details discussed with him with regard to this action from

19 anybody at my office, including me or any representative of

20 mine.

21 And he said, no, it was just, you know, scheduling

22 and whatnot.

23 So there seems to be a difference between the

24 communications here as what I sent Your Honor in that there

25 are details of what occurred, you know, and the facts that

1 BY MR. POPOLIZIO:

2 Q. And when you mean close, you mean close in time to

3 the incident?

4 A. Right.

5 Q. It may not have been the day before, but it was

6 that summer?

7 A. Right, yes.

8 Q. And when I asked you before whether you had been

9 told there were drugs, methamphetamine, found in your car,

10 you said that you had read that there was; right?

11 A. Yeah.

12 Q. Where did you read that there were drugs found in

13 your car?

14 A. On the police report.

15 Q. So how did you get a copy of the police report?

16 A. I had one -- I believe I got one from the police

17 department.

18 Q. You went on your own to get it?

19 A. I believe so.

20 Q. And that's where you read it?

21 A. Yeah.

22 Q. Did you read that police report in preparation for

23 your deposition today?

24 A. No.

25 Q. When was the last time you read that police

1 report?

2 A. It's been a while. It's whenever, whenever I was

3 able to get one, I believe. I'm not sure how long after the

4 incident.

5 Q. Was it a month after the incident? What was the

6 period of time after the incident that you went and obtained

7 the police report?

8 A. I don't think it was a month after. Maybe a few

9 months.

10 Q. It wasn't like a year after the incident?

11 A. I don't believe so, no.

12 Q. So, do you remember -- do you still have this

13 report?

14 A. Somewhere.

15 Q. Do you remember how thick it was?

16 A. Yeah, I don't know, just. . .

17 Q. About an inch thick you're indicating?

18 A. I think so.

19 Q. Did you read the entire thing?

20 A. I don't believe I read it all. No.

21 Q. Okay.

22 But somewhere in there you read that there were

23 drugs found in your car?

24 A. Yeah.

25 Q. But as you sit here today do you have an

1 independent recollection of whether an officer who

2 interviewed you at the station after this incident had

3 informed you that you -- that there had been drugs found in

4 your car?

5 A. Yes. He did.

6 Q. And you do remember that?

7 A. I remember him saying that there were drugs in the

8 car, yes.

9 Q. And do you remember if he asked if those drugs

10 were yours?

11 MS. BROADDUS: Object to form.

12 THE WITNESS: Yes, I'm sure.

13 BY MR. POPOLIZIO:

14 Q. And you denied that they were; right?

15 MS. BROADDUS: Object to form.

16 THE WITNESS: Yes.

17 BY MR. POPOLIZIO:

18 Q. And you also were told that the drugs found in

19 your car was methamphetamine; is that correct?

20 A. Yes.

21 Q. And during your interview, we're talking at the

22 station, the first one, immediately after this incident,

23 that night when you were at the station, you were asked

24 by the police officer whether you'd be -- well, scratch

25 that.

1 During the interview at the station immediately

2 after the incident, the officer asked you if you had taken a

3 urine test that night, would it be positive.

4 Do you recall that?

5 A. No.

6 MS. BROADDUS: Form.

7 BY MR. POPOLIZIO:

8 Q. But if you did take a -- you just don't recall

9 whether he asked you that or not?

10 A. I don't recall the conversation.

11 Q. But if you did take a urine test that night to see

12 if you had drugs in your system, what do you believe it

13 would have shown?

14 A. Negative.

15 MS. BROADDUS: Object to form.

16 BY MR. POPOLIZIO:

17 Q. Negative?

18 A. Yes.

19 Q. And that would mean that -- what you mean by

20 negative, that there would be no proof of any drugs in your

21 system at that time?

22 A. Yes.

23 Q. Because you hadn't been using drugs; right?

24 A. No.

25 Q. It's a simple question, but were you surprised

1 A. No.

2 Q. No stops at a candy store?

3 A. No.

4 Q. Or a Circle K?

5 A. No.

6 Q. You went from the mother-in-law's house right to

7 this particular Motel 6?

8 A. Yes.

9 Q. It's not too far away from the mother-in-law's

10 house; right?

11 A. Yeah, it's right down the street. It's a few

12 miles away.

13 Q. It's not going to take you a long time to get from

14 the mother-in-law's house to the Motel 6, is it?

15 A. No.

16 Q. And it didn't take you a long time that day, did

17 it?

18 A. No.

19 Q. So you went straight to the Motel 6 from the

20 mother-in-law's house; right?

21 A. Yes.

22 Q. And you had the four of them in your car.

23 A. Yes.

24 Q. Now, this vehicle of yours, you said it was your

25 vehicle; right?

1 A. Yes.

2 Q. So you owned that vehicle; right?

3 A. Correct.

4 Q. Was it registered in your name?

5 A. Yes.

6 Q. Was it insured at the time?

7 A. I don't believe it was.

8 Q. What makes you think that you don't believe it

9 was?

10 A. I don't think it was, no.

11 Q. And on that vehicle it had only a rear license

12 plate; correct?

13 A. Yes.

14 Q. There's no license plate in the front; right?

15 A. No.

16 Q. Now, at the time of this incident, the date of the

17 in the incident, your license was suspended; right?

18 A. Yes.

19 Q. What was it suspended for?

20 MS. BROADDUS: Object to form.

21 THE WITNESS: It was from a misdemeanor DUI.

22 BY MR. POPOLIZIO:

23 Q. When did that misdemeanor DUI occur?

24 A. I don't recall the year.

25 Q. How long had you had a suspended license?

1 A. I've had a suspended license for quite some time,

2 since like 2012, I think. I just barely got it renewed a

3 few months ago.

4 Q. So from 2012 until a point that you got it renewed

5 a few months before, was your license suspended during that

6 whole time period?

7 A. Yes.

8 Q. So it was suspended on the date of the incident;

9 right?

10 A. Yes.

11 Q. But the car, the Taurus that you were driving that

12 day, was registered in your name; right?

13 A. Yes.

14 Q. Okay.

15 So when you interacted with the police that day at

16 Motel 6, you did not have a valid driver's license at that

17 point; right?

18 A. No.

19 Q. It was suspended?

20 A. Yes.

21 Q. Did you have another form of ID on you?

22 A. I believe I had an ID, yes.

23 Q. What type of ID was that?

24 A. Just a regular identification card, an Arizona

25 identification card.

1 Q. And you didn't have your driver's license on you?

2 A. No.

3 Q. So when the officer asked you for an ID, you

4 provided the officer with the Arizona ID?

5 A. Yeah.

6 Q. So, all right, you know what, let's -- we have a

7 video of Motel 6. So let's watch the video.

8 And before we do that, have you ever seen the

9 Motel 6 video of you turning in and whatnot?

10 A. Yes.

11 Q. And when did you see that?

12 A. I seen it on the news when it first came out.

13 Q. Are you saying you saw the excerpt that was shown

14 on the news?

15 A. Yes.

16 Q. That's the only time you've seen it was on the

17 news?

18 A. I think I YouTube'd it a couple times.

19 Q. So whatever is available on YouTube or through the

20 local news, that's what you've seen of it; right?

21 A. Yes.

22 Q. Have you ever discussed the Motel 6 video with

23 anyone?

24 A. Nobody that knew. I discussed it with a couple

25 people, a couple friends of mine, but they don't know

1 **A. I don't recall him saying that.**

2 Q. Just don't remember that?

3 **A. No.**

4 Q. So you know there was an issue of whether you

5 had used your turn signal to turn into this parking lot;

6 right?

7 **A. Right.**

8 Q. And you were interviewed after this incident

9 occurred; correct?

10 **A. Yes.**

11 Q. And you were asked whether you had used your turn

12 signal to turn into the parking lot; right?

13 MS. BROADDUS: Object to form.

14 THE WITNESS: I'm going to say I don't recall the

15 conversation, but I'm sure he asked me that.

16 BY MR. POPOLIZIO:

17 **Q. And do you recall if you told the officer that you**

18 **didn't recall whether you used your turn signal or not?**

19 **A. I don't remember.**

20 **Q. You don't remember any conversation about a turn**

21 **signal?**

22 **A. No.**

23 **Q. Or whether you had used it?**

24 **A. No.**

25 **Q. Okay.**

1 So when you came in under the archway, and you

2 explained how you maneuvered your car, not going to make you

3 go through the whole thing, but you explained how you

4 maneuvered your car; right?

5 **A. Yeah.**

6 Q. Before you backed in, when was the first time that

7 you saw the police vehicle in or around that parking lot?

8 **A. I want to say in the middle of me going to the**

9 **left, before I, before I was in reverse.**

10 Q. That was the first time that you saw the police

11 officer?

12 **A. Yes.**

13 Q. Right? That's what you're saying?

14 **A. Yes.**

15 Q. But you weren't looking for a police officer;

16 right?

17 **A. No reason to.**

18 Q. And you hadn't seen a police officer before you

19 spotted at that point; right?

20 **A. No.**

21 Q. You hadn't?

22 **A. No.**

23 Q. When did you decide to back into that spot?

24 **A. Before I, before I came around -- when I came**

25 **around and I seen it was open, before I made the left,**

1 **that's what made me go to the left before I backed into that**

2 **spot.**

3 Q. Did you back in the spot so that your rear license

4 plate would not be visible?

5 **A. No.**

6 **That wasn't my reasoning for backing up, no.**

7 Q. All right.

8 What I'm asking you is, were you trying to make

9 your rear license plate less visible?

10 **A. No.**

11 Q. But, if the license plate was run, it would come

12 back to you as the owner; right? Because you were the

13 owner?

14 **A. Right.**

15 Q. And your motivation for pulling into that space,

16 from what I understand, is because it was close to the

17 office; right?

18 **A. Right.**

19 Q. But it was no closer to the office as you agreed

20 than the other space that was available; right?

21 **A. Yes.**

22 Q. And the other space that was available, you

23 wouldn't -- nobody would have to walk across the parking lot

24 to the office door; right?

25 **A. No, they wouldn't.**

1 Q. They would just get on the sidewalk and walk to

2 the door; is that right?

3 **A. Yeah, walk to the door, yeah.**

4 Q. Let me cross some of these off.

5 **A. Too bad they weren't pages.**

6 Q. I want them to be too.

7 And just so I can be clear, you don't remember one

8 of the officers, specifically the officer that approached

9 the passenger side of the vehicle, ask or say to you, do me

10 a favor, when you turn into the parking lot can you use your

11 turn signal?

12 **A. I don't recall. I'm not saying he didn't,**

13 **but. . .**

14 Q. You just don't remember. He could have, but you

15 don't remember?

16 **A. Yeah.**

17 Q. And when you were interviewed, you don't recall

18 whether the issue of the turn signal came up?

19 **A. I don't recall that either.**

20 Q. But when you were interacting with the officers at

21 the scene, when the stop was made, okay, do you remember

22 hearing anybody in the car saying anything about your having

23 used your turn signal to pull in?

24 **A. No.**

25 Q. No one said something like that?

1 give the apartment number.

2 MR. POPOLIZIO: What's the apartment number?

3 THE WITNESS: No. 4.

4 MR. POPOLIZIO: So will you -- we know you're

5 looking for a house, if you all of a sudden something comes

6 in and you're moving, we're going to need to know where it

7 could be mailed to you. Okay?

8 THE WITNESS: Okay. Yes.

9 MR. POPOLIZIO: Okay. Make sure that you contact

10 our office or the court reporter and say, I'm moving, here's

11 my new address, or you can e-mail or do whatever.

12 All right?

13 THE WITNESS: All right.

14 MR. POPOLIZIO: You will read and sign then;

15 correct?

16 THE WITNESS: Correct.

17 MR. POPOLIZIO: So thank you very much for your

18 patience and your time, and I know it was a long day, but it

19 is now over, so have a good night. Thank you.

20 (Whereupon, the deposition concluded at 4:44 p.m.)

21 _____

22 SHAWN BLACKBURN

23 * * * * *

1 STATE OF ARIZONA)
2) SS
3 COUNTY OF MARICOPA)

4 C E R T I F I C A T E

5 BE IT KNOWN that the foregoing proceedings were taken

6 before me; that the witness before testifying was duly

7 sworn by me to testify to the whole truth; that the 285

8 foregoing pages are a full, true and accurate record of the

9 proceedings, all done to the best of my skill and ability;

10 that the proceedings were taken down by me in shorthand and

11 thereafter reduced to print under my direction.

12 I CERTIFY that I am in no way related to any of the

13 parties hereto nor am I in any way interested in the

14 outcome hereof.

15 ☒ Review and signature was requested.

16 ☐ Review and signature was waived.

17 ☐ Review and signature not required.

18 I CERTIFY that I have complied with the ethical

19 obligations set forth in ACJA 7-206.

20 Dated this 3rd day of September, 2020,

21 Chandler, Arizona.

22 _____

23 C. Martin Herder, CSR, CCR

24 Certified Reporter

25 Arizona CCR No. 50162

It is FURTHER CERTIFIED that Herder & Associates,
Registered Reporting Firm, has complied with the ethical
obligations set forth in ACJA 7-206.

Registered Reporting Firm
Arizona RRF No. R1145

EXHIBIT 7

<p style="text-align: center;">1</p> <p style="text-align: center;">IN THE UNITED STATES DISTRICT COURT IN AND FOR THE DISTRICT OF ARIZONA</p> <p>Johnny Wheatcroft and Anya) Chapman, as husband and wife, and) on behalf of minors J.W. and B.W.,) Plaintiffs,) Case No.: 2:18-cv-02347-SMB vs.) City of Glendale, a municipal) entity; Matt Schneider, in his) official and individual) capacities; Mark Lindsey, in his) official and individual) capacities; and Michael Fernandez,) in his official and individual) capacities,) Defendants.)</p> <p style="text-align: center;">DEPOSITION OF OFFICER MICHAEL FERNANDEZ</p> <p style="text-align: center;">Chandler, Arizona June 3, 2019 9:54 a.m.</p> <p>REPORTED BY: MONICA S. BERRY, RPR Certified Reporter Certificate No. 50234 PREPARED FOR:</p> <p>(COPY)</p>	<p style="text-align: center;">3</p> <p>(EXHIBITS MARKED CONTINUED)</p> <p>8 AXON Taser information, Bates No. 162 COG_WHEATCROFT 001743 (1 page)</p> <p>9 Taser Pulse Log Evaluation, Bates 162 Nos. CoG_WHEATCROFT 001668-001669 (2 pages)</p> <p style="text-align: center;">*****</p>																														
<p style="text-align: center;">2</p> <p style="text-align: center;">I N D E X</p> <table border="0"> <tr> <td>WITNESS</td> <td>PAGE</td> </tr> <tr> <td>OFFICER MICHAEL FERNANDEZ</td> <td></td> </tr> <tr> <td>EXAMINATION BY MS. BROADDUS</td> <td>5</td> </tr> <tr> <td>EXAMINATION BY MR. POPOLIZIO</td> <td>169</td> </tr> <tr> <td>FURTHER EXAMINATION BY MS. BROADDUS</td> <td>189</td> </tr> <tr> <td>FURTHER EXAMINATION BY MR. POPOLIZIO</td> <td>192</td> </tr> </table> <p style="text-align: center;">E X H I B I T S</p> <table border="0"> <tr> <td>Deposition</td> <td></td> </tr> <tr> <td>Exhibits</td> <td>Description</td> </tr> <tr> <td>1</td> <td>Defensive Tactics, 2015, Taser/X2, 28 Bates Nos. CoG_WHEATCROFT 002595-002603 (9 pages)</td> </tr> <tr> <td>2</td> <td>2014 AOT Taser, Bates Nos. 33 WHEATCROFT 002434-002450 (17 pages)</td> </tr> <tr> <td>3</td> <td>2013 Defensive Tactics AOT, Bates 37 Nos. CoG_WHEATCROFT 002384-002407 (24 pages)</td> </tr> <tr> <td>4</td> <td>Sworn AOT 2012 Check-Off Sheet, 38 Bates Nos. CoG_WHEATCROFT 002343-002356 (14 pages)</td> </tr> <tr> <td>5</td> <td>Glendale Police Department General 50 Order, Neighborhood Response Unit, Bates Nos. CoG_WHEATCROFT 000463-000466 (4 pages)</td> </tr> <tr> <td>6</td> <td>Glendale Police Department General 74 Order, Bates Nos. CoG_WHEATCROFT 000427-000462 (36 pages)</td> </tr> <tr> <td>7</td> <td>Glendale Police Department Report 107 Inventory Cover Page for Report No. 17 107320, Bates Nos. CoG_WHEATCROFT 000001-000060 (60 pages) (60 pages)</td> </tr> </table>	WITNESS	PAGE	OFFICER MICHAEL FERNANDEZ		EXAMINATION BY MS. BROADDUS	5	EXAMINATION BY MR. POPOLIZIO	169	FURTHER EXAMINATION BY MS. BROADDUS	189	FURTHER EXAMINATION BY MR. POPOLIZIO	192	Deposition		Exhibits	Description	1	Defensive Tactics, 2015, Taser/X2, 28 Bates Nos. CoG_WHEATCROFT 002595-002603 (9 pages)	2	2014 AOT Taser, Bates Nos. 33 WHEATCROFT 002434-002450 (17 pages)	3	2013 Defensive Tactics AOT, Bates 37 Nos. CoG_WHEATCROFT 002384-002407 (24 pages)	4	Sworn AOT 2012 Check-Off Sheet, 38 Bates Nos. CoG_WHEATCROFT 002343-002356 (14 pages)	5	Glendale Police Department General 50 Order, Neighborhood Response Unit, Bates Nos. CoG_WHEATCROFT 000463-000466 (4 pages)	6	Glendale Police Department General 74 Order, Bates Nos. CoG_WHEATCROFT 000427-000462 (36 pages)	7	Glendale Police Department Report 107 Inventory Cover Page for Report No. 17 107320, Bates Nos. CoG_WHEATCROFT 000001-000060 (60 pages) (60 pages)	<p style="text-align: center;">4</p> <p>DEPOSITION OF OFFICER MICHAEL FERNANDEZ was taken on June 3, 2019, commencing at 9:54 a.m. at the law offices of MARC J. VICTOR, P.C., ATTORNEYS FOR FREEDOM, 3185 South Price Road, Chandler, Arizona, before MONICA S. BERRY, RPR, a Certified Reporter in the State of Arizona.</p> <p>COUNSEL APPEARING:</p> <p>MARC J. VICTOR, P.C. ATTORNEYS FOR FREEDOM By: MS. JODY L. BROADDUS 3185 South Price Road Chandler, Arizona 85248 On behalf of Plaintiffs</p> <p>JONES, SKELTON & HOCHULI, P.L.C. By: MR. JOSEPH J. POPOLIZIO 40 North Central Avenue Suite 2700 Phoenix, Arizona 85004 On behalf of Defendants</p> <p>ALSO PRESENT:</p> <p>Ms. Kathy Thomas, Glendale risk and safety analyst Ms. Julie Wanner, paralegal to Mr. Popolizio Ms. Alexz Thompson, paralegal to Ms. Broaddus</p>
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6	Glendale Police Department General 74 Order, Bates Nos. CoG_WHEATCROFT 000427-000462 (36 pages)																														
7	Glendale Police Department Report 107 Inventory Cover Page for Report No. 17 107320, Bates Nos. CoG_WHEATCROFT 000001-000060 (60 pages) (60 pages)																														

<p style="text-align: right;">21</p> <p>1 A. Correct.</p> <p>2 Q. When you were a patrol officer in 2017, before</p> <p>3 you -- while you were still a patrol officer, what were</p> <p>4 your general duties as an officer?</p> <p>5 A. Responding to calls for service, traffic</p> <p>6 enforcement. Just being visible in a patrol vehicle.</p> <p>7 Q. Did you normally have a marked vehicle when you</p> <p>8 were a patrol officer?</p> <p>9 A. Always.</p> <p>10 Q. And always in your uniform?</p> <p>11 A. Always.</p> <p>12 Q. And just for clarification, when you're working,</p> <p>13 correct, as opposed to when you're at home hanging out?</p> <p>14 A. Correct. Yeah.</p> <p>15 Q. Are you familiar with Glendale's policies for</p> <p>16 police officers?</p> <p>17 A. The entire policy and procedure manual?</p> <p>18 Q. Well, as an officer, are you supposed to know the</p> <p>19 policies and procedures for an officer.</p> <p>20 MR. POPOLIZIO: Form.</p> <p>21 THE WITNESS: I think it's over 2,000 pages.</p> <p>22 I think I have a decent understanding of some of it.</p> <p>23 BY MS. BROADDUS:</p> <p>24 Q. Do you receive training on those pages of those</p> <p>25 policies and procedures or are you just expected to read</p>	<p style="text-align: right;">23</p> <p>1 direction, then you can do that. If something is</p> <p>2 quickly -- it's a dynamic situation and there's something</p> <p>3 happening, you may not have the time or the availability</p> <p>4 to address it.</p> <p>5 Q. So if someone is doing something that you would</p> <p>6 question, it's something that you would try to correct at</p> <p>7 that time. Is that a fair statement?</p> <p>8 MR. POPOLIZIO: Form.</p> <p>9 THE WITNESS: Again, it's going to be a</p> <p>10 case-by-case situation.</p> <p>11 BY MS. BROADDUS:</p> <p>12 Q. Are you required to report any violations to your</p> <p>13 supervisor or to anyone else?</p> <p>14 MR. POPOLIZIO: Form.</p> <p>15 THE WITNESS: I would say yes.</p> <p>16 (Ms. Thompson entered the conference room.)</p> <p>17 BY MS. BROADDUS:</p> <p>18 Q. Who would you report a violation to?</p> <p>19 A. If not your immediate supervisor, one that's</p> <p>20 available or one that would be on scene.</p> <p>21 Q. Have you ever reported another officer for</p> <p>22 violating policies?</p> <p>23 A. Yes.</p> <p>24 Q. How many times?</p> <p>25 A. One time.</p>
<p style="text-align: right;">22</p> <p>1 those? Do you know?</p> <p>2 MR. POPOLIZIO: Form.</p> <p>3 THE WITNESS: While in FTO, when you first</p> <p>4 start, there's certain parts that you are required to</p> <p>5 read, and then you receive training annually on different</p> <p>6 aspects, yes.</p> <p>7 BY MS. BROADDUS:</p> <p>8 Q. Do you have discretion as a police officer to</p> <p>9 abide -- as to whether or not you can abide by the</p> <p>10 policies?</p> <p>11 A. Do I have discretion on whether I can abide by</p> <p>12 policies?</p> <p>13 Q. Glendale's policies and procedures.</p> <p>14 A. No.</p> <p>15 Q. So if it's written down, that's what you're</p> <p>16 supposed to do. Is that a fair statement?</p> <p>17 A. You're supposed to try, yes.</p> <p>18 (Ms. Thompson left the conference room.)</p> <p>19 BY MS. BROADDUS:</p> <p>20 Q. So what are your responsibilities if you witness</p> <p>21 another officer violate the policies and procedures?</p> <p>22 A. It would be a case-by-case situation.</p> <p>23 Q. And what do you mean by that?</p> <p>24 A. If it's low and slowly evolving and you have a</p> <p>25 chance to intervene or speak to the officer or give</p>	<p style="text-align: right;">24</p> <p>1 Q. And what type of situation did that involve?</p> <p>2 A. I thought an officer was using excessive force</p> <p>3 too often.</p> <p>4 Q. How long ago was it that you reported that</p> <p>5 individual?</p> <p>6 A. Maybe four years.</p> <p>7 Q. And that's when you were on patrol; is that --</p> <p>8 A. Yes.</p> <p>9 Q. Was it another patrol officer?</p> <p>10 A. Yes.</p> <p>11 Q. It was not Officer Lindsey or Officer Schneider;</p> <p>12 is that correct?</p> <p>13 A. It was not.</p> <p>14 Q. Who's in charge of training the police officers</p> <p>15 for the City of Glendale?</p> <p>16 A. Who's in charging of training?</p> <p>17 Q. Yes.</p> <p>18 A. Well, we have a training unit. I think the</p> <p>19 training -- one of the training sergeants is Mark</p> <p>20 Malinsky.</p> <p>21 Q. How often are you -- are you required to get</p> <p>22 training?</p> <p>23 A. We have what we call AOT, which is annual officer</p> <p>24 training.</p> <p>25 Q. Is that a mandatory requirement for a police</p>

<p style="text-align: right;">25</p> <p>1 officer?</p> <p>2 A. It is.</p> <p>3 Q. And since you've been a police officer with the</p> <p>4 City of Glendale has AOT training been in place?</p> <p>5 A. Yes.</p> <p>6 Q. And are you required to take a certain number of</p> <p>7 hours outside of AOT training, or is it just the AOT</p> <p>8 training that's mandatory?</p> <p>9 A. I don't think you're required to receive training</p> <p>10 outside of those hours, no.</p> <p>11 Q. With the AOT training, is that something provided</p> <p>12 by the City of Glendale?</p> <p>13 A. Yes.</p> <p>14 Q. Now, with regard to training that you do -- let</p> <p>15 me go a step back.</p> <p>16 Do you do training outside of AOT training?</p> <p>17 A. Do I?</p> <p>18 Q. Yes.</p> <p>19 A. Yes.</p> <p>20 Q. Why would you do training outside of AOT</p> <p>21 training?</p> <p>22 A. To enhance my ability level.</p> <p>23 Q. The training that you do, are those classes or</p> <p>24 courses that are provided by a third party or is it by</p> <p>25 Glendale or both?</p>	<p style="text-align: right;">27</p> <p>1 that you'd like to learn more about?</p> <p>2 A. Yes.</p> <p>3 Q. Are you aware of any classes that -- or training</p> <p>4 that Glendale's required you or any other officers to take</p> <p>5 outside of AOT training?</p> <p>6 MR. POPOLIZIO: Form.</p> <p>7 THE WITNESS: If you go to a specialty unit,</p> <p>8 if you go to investigations and you're in child crimes,</p> <p>9 there's going to be a lot of specifics to that. So</p> <p>10 depending on what you do, yes, there could be specific</p> <p>11 training that you need to do, yes.</p> <p>12 BY MS. BROADDUS:</p> <p>13 Q. Did you have to go through any specific training</p> <p>14 for joining the NRS group?</p> <p>15 A. I don't know if there's been any required, but</p> <p>16 I've done a lot of training since I've come to NRS that's</p> <p>17 been made available to me.</p> <p>18 Q. And you mentioned earlier you had to take a test,</p> <p>19 the oral test that you took. But outside of that you</p> <p>20 didn't have to take any special classes to become a member</p> <p>21 of the NRS unit, correct?</p> <p>22 A. No.</p> <p>23 Q. Is that a true statement or --</p> <p>24 A. No, I did not need to take any special classes.</p> <p>25 Q. And I apologize. It was kind of a double</p>
<p style="text-align: right;">26</p> <p>1 A. Most often by a third party, sometimes by</p> <p>2 Glendale.</p> <p>3 Q. How do you find out about what type of courses</p> <p>4 are available to you?</p> <p>5 A. There's a training page where they announce</p> <p>6 different trainings that are available, and sometimes it's</p> <p>7 just through word of mouth or be on different e-mail --</p> <p>8 e-mails.</p> <p>9 Q. Does Glendale ever send e-mails about, hey,</p> <p>10 there's a training event coming up in case you're</p> <p>11 interested?</p> <p>12 A. Yes.</p> <p>13 Q. Obviously there's different areas of training</p> <p>14 that are available. If it's something that you're not</p> <p>15 interested in, you don't take that class. Is that a fair</p> <p>16 statement?</p> <p>17 A. Yes.</p> <p>18 Q. What types of classes are the types that interest</p> <p>19 you the most?</p> <p>20 A. I do a lot of gang investigations, interview</p> <p>21 interrogation and drug investigation classes.</p> <p>22 Q. Has that been consistent throughout your career</p> <p>23 as police officer?</p> <p>24 A. Yes.</p> <p>25 Q. Those are the areas that you find interesting</p>	<p style="text-align: right;">28</p> <p>1 negative on the question there.</p> <p>2 I want to go through a couple of training</p> <p>3 materials.</p> <p>4 (Deposition Exhibit No. 1 was marked for</p> <p>5 identification.)</p> <p>6 BY MS. BROADDUS:</p> <p>7 Q. All right. In front of you you have a document</p> <p>8 that's been marked as Exhibit 1. And on the front page it</p> <p>9 says, "Defensive Tactics, 2015, Taser/X2." Do you see</p> <p>10 that?</p> <p>11 A. Yes.</p> <p>12 Q. Is this a document that -- and you can look</p> <p>13 through it and let me know if you've seen this document</p> <p>14 before.</p> <p>15 A. It looks familiar, yes.</p> <p>16 Q. It's my understanding that this is a document</p> <p>17 that was related to AOT training for 2015. Does this look</p> <p>18 like something you may have received during the AOT</p> <p>19 training in 2015?</p> <p>20 A. Probably through a PowerPoint. Probably not an</p> <p>21 actual document.</p> <p>22 Q. So you don't receive the actual documents when</p> <p>23 you sit in the class for the AOT training. They'll put a</p> <p>24 PowerPoint on and you'll see items that look like</p> <p>25 Exhibit 1, correct?</p>

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1 Q. Any aspect.
 2 **A. In making an arrest?**
 3 Q. Yes.
 4 **A. I'd say -- in some form of current capacity I**
 5 **would say yes.**
 6 Q. With your firearms training, are you required to
 7 go to a range a certain number of times a year or for a
 8 certain number of hours a year?
 9 **A. There's -- there's several optional hand --**
 10 **firearms trainings, and I go to a lot of them. And**
 11 **there's some that I think are required. Because I**
 12 **personally go to quite a few, I don't know which ones are**
 13 **the ones that I choose to go to or the ones that are**
 14 **required. I think there's one or two that are required**
 15 **every year, yes, for every officer.**
 16 Q. Is that part of the AOT training, then, if it's
 17 required, or is it outside of that?
 18 **A. It could be outside of AOT.**
 19 Q. Does the NRS have any additional training on an
 20 annual basis other than the AOT training?
 21 **A. We do different things to train, yes.**
 22 Q. Like what?
 23 **A. For example, last Friday we did building**
 24 **clearing, how to effectively clear a building.**
 25 Q. What other types of training do you guys receive

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1 together as a unit?
 2 **A. A lot of different things that are fugitive**
 3 **apprehension-related, vehicle-related or how to remove**
 4 **people from vehicles effectively.**
 5 Q. Since you've been with NRS, has that been
 6 consistent, that you receive training every year for the
 7 NRS specifically?
 8 **A. Yes.**
 9 Q. Who provides that training?
 10 **A. Typically it's orchestrated through your**
 11 **sergeant or -- orchestrated.**
 12 Q. Now, is it classroom-type training or is it on
 13 the field, or how is that training set up?
 14 **A. Depending on the topic it'll be both.**
 15 Q. Is it mandatory for NRS officers?
 16 **A. As long as you're working that day that's --**
 17 **you'll be going to it, so yes.**
 18 Q. So if you were not scheduled to work that day and
 19 they were doing a particular training on an area, if you
 20 weren't working that day would you have to make up that
 21 training?
 22 **A. It would depend what the training was.**
 23 Q. Do you have outside or third parties that are not
 24 police officers come in to help with the training for the
 25 NRS division?

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1 **A. We went through some medical training by a**
 2 **firefighter. So he's not a police officer.**
 3 Q. Was that through the Glendale firefighters?
 4 **A. Yes, yes.**
 5 Q. Do you have to sign off on any documents to show
 6 that you went through NRS training?
 7 **A. Some of the trainings we do I don't think there's**
 8 **a document that we sign to show that we were there.**
 9 Q. Are you provided documents as part of the
 10 training that you receive?
 11 **A. Not necessarily.**
 12 Q. But sometimes you do?
 13 **A. Sometimes.**
 14 Q. With regard to training -- let me go back a
 15 second.
 16 With regard to the policies and procedures
 17 for the City of Glendale, do you have access to those at
 18 any time as a police officer?
 19 MR. POPOLIZIO: Form.
 20 THE WITNESS: Policies and procedures?
 21 BY MS. BROADDUS:
 22 Q. Correct.
 23 **A. Yes.**
 24 Q. If you wanted to look up any particular policy
 25 and procedure what would you do?

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1 **A. I'd go to our intranet and look at it.**
 2 Q. That's a computer program, correct?
 3 **A. Yeah, just like the internal Glendale Internet.**
 4 **Isn't it called intranet? Doesn't most places have**
 5 **intranet?**
 6 Q. When you sign in to that, you can pull up any of
 7 the policies and procedures that exist; is that true?
 8 **A. Yes.**
 9 Q. Do you do that very often?
 10 **A. Like anything else, you do it less as time goes**
 11 **when you have more of a working understanding of your job**
 12 **functions.**
 13 **Q. As part of your AOT training, have you ever**
 14 **received de-escalation type classes or courses or**
 15 **training?**
 16 **A. I would say yes.**
 17 Q. I think I saw somewhere there was a class called
 18 verbal judo. Did you participate in that?
 19 **A. I did.**
 20 Q. What do you recall from that class?
 21 **A. Giving you more insight on how to talk to people**
 22 **and de-escalation techniques.**
 23 Q. Was that something that was part of your AOT
 24 training, do you recall?
 25 **A. No.**

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1 Q. Can you use deadly force?

2 **A. Of course not.**

3 Q. Another area of resistance is called physical or
4 defensive resistance. Are you familiar with that?

5 **A. I am.**

6 Q. What is your understanding of what that is?

7 **A. Defensive resistance is usually when they're**
8 **trying not to allow you to effect the arrest, they're**
9 **pulling away, pushing away, doing things where they're not**
10 **actively aggressive towards an officer but they're not**
11 **allowing you to detain or control them.**

12 Q. What type of response can you use -- level of
13 force can you use against someone who is engaging in
14 physical defensive resistance?

15 **A. Almost anything up to lethal.**

16 Q. What's active aggression, which is another form
17 of resistance?

18 **A. That's where somebody is using active physical**
19 **force or violence against an officer.**

20 Q. What type of a response can you use or level of
21 force can you use against someone who is engaging in
22 active aggression?

23 **A. Every use of force up to and including lethal.**

24 Q. What is aggravated active aggression?

25 **A. They are actively trying to potentially kill an**

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1 **officer.**

2 Q. What level of force can you use against someone
3 who is engaging in active aggression -- sorry --
4 aggravated active aggression?

5 **A. Up to and including lethal.**

6 Q. Have you had to use lethal force?

7 **A. No.**

8 **(Deposition Exhibit No. 6 was marked for**
9 **identification.)**

10 BY MS. BROADDUS:

11 **Q. You have a document that's been placed in front**
12 **of you. It's Exhibit 6. At the top it says, "Glendale**
13 **Police Department General Order." It talks about response**
14 **to resistance. Have you seen this document before?**

15 **A. I have.**

16 **Q. And is this the use of force order and policies**
17 **for the City of Glendale?**

18 **A. They are.**

19 Q. Have you ever compared these policies and
20 procedures for Glendale with anyone else's? Have you ever
21 talked to anyone from any other police -- any other
22 officers from other forces or anything?

23 MR. POPOLIZIO: Form.

24 THE WITNESS: No.

25

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1 BY MS. BROADDUS:

2 Q. Do you think the guidelines for the City of
3 Glendale are reasonable for a police officer?

4 MR. POPOLIZIO: Form; foundation.

5 THE WITNESS: I'm not sure I'm in a position
6 to judge them.

7 BY MS. BROADDUS:

8 Q. Well, you've been an officer for 12 years. Are
9 there policies and procedures you think need to be
10 changed?

11 MR. POPOLIZIO: Form; foundation.

12 THE WITNESS: Not in response to resistance,
13 no.

14 BY MS. BROADDUS:

15 Q. Do you think that the policies that they have in
16 response to resistance are what a reasonable officer would
17 do under the circumstances?

18 MR. POPOLIZIO: Form.

19 THE WITNESS: I would say so.

20 BY MS. BROADDUS:

21 Q. On the first page it has a section 23.002. It
22 talks about philosophy under subsection A and about -- it
23 says: the philosophy of the Glendale Police Department is
24 to use only the amount of force or control necessary to
25 conduct lawful police safety activities in the mission of

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1 the Department.

2 Do you see that?

3 **A. I do.**

4 Q. And not the next sentence but the sentence after
5 says: Employees will only use the amount of force/control
6 reasonably necessary to overcome this resistance, protect
7 properties and save lives.

8 Do you see that?

9 **A. I do.**

10 Q. Do you think that's a reasonable objective?

11 **A. I do.**

12 Q. The next sentence says: "Under no circumstances
13 will the force/control be greater than necessary to
14 achieve lawful objectives.

15 Do you see that?

16 **A. I do.**

17 Q. So there has to be a lawful objective to use any
18 type of use for control. Would you agree?

19 **A. Yes.**

20 Q. I'm going to have you go to the page number
21 that's Bates 0436. Under subsection 4 on this page it
22 says: Tasers should only be used against subjects who are
23 exhibiting active aggression (physical intimidation) or
24 who are actively resisting (defensive resistance, active
25 aggression, aggravated active aggression or attempt to

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1 **A. No.**

2 Q. Other than the one that we talked about earlier
3 with passive that you guys still use a Taser if they're
4 resisting passively under certain circumstances that you
5 talked about, like if you were trying to get them in a
6 car?

7 MR. POPOLIZIO: Form.

8 THE WITNESS: I would say yes. Yes. To
9 your statement, yes.

10 MS. BROADDUS: We're going to take a short
11 break.

12 (The deposition was at recess from 11:22 to
13 11:35 a.m.)

14 BY MS. BROADDUS:

15 Q. As you know, we're here today about the
16 Wheatcroft family, correct?

17 **A. Yes, ma'am.**

18 Q. Just want to have an understanding that we --
19 when we say the Wheatcrofts, we're talking about the whole
20 family. If I identify them specifically, I'll let you
21 know. Okay?

22 **A. Okay.**

23 Q. You've seen the reports, you heard your
24 interviews. One of the things that you talked about in
25 your interview is that Johnny Wheatcroft was kicking and

82

1 thrashing. Do you recall that?

2 **A. I do.**

3 Q. And what did you mean by that, that he's kicking
4 and thrashing?

5 **A. Kicking and thrashing. Kicking his feet and
6 thrashing his legs about.**

7 Q. Was he doing that the whole time?

8 **A. From --**

9 MR. POPOLIZIO: Form.

10 THE WITNESS: My apologies.

11 From the point that I got around to the
12 passenger side he seemed to be the entire time, yes.

13 BY MS. BROADDUS:

14 Q. Just for clarification, you arrived on the scene,
15 you went up to where Schneider was talking with the
16 passenger, Mark Lindsey had not come around yet, or did he
17 come around to the passenger side of the vehicle --

18 MR. POPOLIZIO: Form.

19 BY MS. BROADDUS:

20 Q. -- when you first arrived?

21 MR. POPOLIZIO: Form.

22 BY MS. BROADDUS:

23 Q. If you recall.

24 **A. Because after looking at a video recently, he
25 went to the passenger side just as I was going to the**

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1 **driver's side.**

2 Q. So you were over on the driver's side, and then
3 there was some commotion and you came over to the
4 passenger side, and you remained over on that side the
5 rest of the time, correct?

6 **A. Once I saw Sergeant Lindsey get knocked out, yes,
7 I went to the passenger side.**

8 Q. Was it when you went over to the other side of
9 the car to the passenger side when you saw him kicking and
10 thrashing?

11 **A. Yes.**

12 Q. You didn't see him kicking or thrashing before
13 you went over to that side -- the passenger side of the
14 car, correct?

15 **A. I couldn't see.**

16 Q. What do you think would happen to you as an
17 officer if you violated the use of force policies for
18 Glendale?

19 MR. POPOLIZIO: Objection: Form;
20 foundation.

21 Go ahead.

22 THE WITNESS: In what way?

23 BY MS. BROADDUS:

24 Q. Well, if you violated -- well, we went through
25 what all the use of force guidelines are for the City of

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1 Glendale, correct?

2 **A. Yes.**

3 Q. And if you --

4 MR. POPOLIZIO: Form.

5 BY MS. BROADDUS:

6 Q. -- violated those use of force policies, do you
7 think you would be disciplined by the department?

8 **A. I'm sure it would depend on the circumstances and
9 the severity, but I would say yes.**

10 BY MS. BROADDUS:

11 Q. Has anyone filed a complaint or a claim against
12 you in your professional capacity?

13 **A. A complaint, yes.**

14 Q. And those are internal complaints with the
15 department?

16 **A. Yes.**

17 Q. No one's filed a lawsuit against you other than
18 this case, correct?

19 **A. Correct.**

20 Q. Do you know how many times?

21 **A. At least two -- at least two formal complaints.**

22 Q. What's the difference between a formal and an
23 informal complaint?

24 **A. I guess an informal complaint would be where
25 somebody calls and talks to your supervisor and maybe**

85

1 isn't happy with something that happened.

2 **A formal complaint to where they go down and**
3 **get interviewed and go through the formal complaint**
4 **process.**

5 Q. What is your understanding of what the informal
6 complaint process is?

7 **A. Typically your boss will handle it.**

8 Q. And they talk to you about whatever the situation
9 was. Is that a fair statement?

10 MR. POPOLIZIO: Form; foundation.

11 THE WITNESS: They do.

12 BY MS. BROADDUS:

13 Q. Do you usually get disciplined if it's just an
14 informal complaint?

15 **A. No.**

16 Q. If it's a formal complaint, what is your
17 understanding of the process of how a formal complaint is
18 handled by the City of Glendale?

19 **A. It gets investigated by either your immediate**
20 **supervisor or by our PSU, our professional standards unit.**
21 **They'll investigate it and decide if there needs to be any**
22 **type of discipline.**

23 Q. And you've actually had to go through that
24 process. Is that a fair understanding?

25 **A. I have.**

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1 Q. Do you get an opportunity to contest what their
2 position is?

3 **A. You do.**

4 Q. I'd like to go through just a few things I have
5 seen in your file, and I'm not going to pull out a bunch
6 of documents, so I'll just ask you about these.

7 **A. Okay.**

8 Q. We'll start with old and come to new. Okay?

9 **A. Sure.**

10 Q. Back in 2009 you had three matters, and I'll
11 roughly summarize them.

12 **A. Okay.**

13 Q. There was an unlawful detention and search of
14 containers without a warrant or consent, and you got a
15 memo of correction. Do you recall that?

16 **A. Can you give me like the synopsis of it.**

17 Q. There was a business and there were some
18 employees that were there, not City employees but...

19 **A. It was a Sunday night at about 10:00 o'clock, and**
20 **they were stacking vehicles into an 18-wheeler end on end**
21 **making homemade ramps, and we suspected that the vehicles**
22 **were possibly stolen. So I went into the back of an**
23 **18-wheeler to get the VINs to verify they weren't stolen.**

24 Q. And you ended up getting a memo of correction
25 just because there wasn't a warrant or consent, correct?

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1 **A. Correct.**

2 Q. Also in 2009 there was a conduct unbecoming
3 charge that was made against you. Apparently people
4 thought you were rude and argumentative, condescending and
5 patronizing. It was unlawfully detained people in a
6 vehicle and attempted to search without a lawful basis.
7 And you also received a memo of correction for that. Do
8 you recall that?

9 MR. POPOLIZIO: Form.

10 THE WITNESS: Yes. There was a -- I did a
11 traffic stop. I called the K-9 officer to do a free-air
12 sniff of the vehicle. The K-9 officer removed the people
13 from the vehicle, not me, and they ended up -- yeah.

14 BY MS. BROADDUS:

15 Q. And the last one in 2009 was a vehicle collision.
16 You had to do some discipline training. Do you recall
17 that?

18 **A. In 2009?**

19 Q. Or, actually, I apologize. It happened in 2008,
20 but the disciplinary stuff happened the next year in 2009.

21 **A. A collision?**

22 **I don't remember. Does it say -- do you**
23 **have any more specifics on the collision?**

24 Q. No, I don't have that with me, but I can get that
25 on our next break.

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1 **A. I don't remember being in a collision in 2008.**

2 Q. Okay. We'll go to -- the next situation was in
3 2011. You also received another memo of correction for a
4 vehicle pursuit. Do you recall that?

5 **A. Oh, I think myself and five or six officers**
6 **pursued a vehicle that had just carjacked somebody, and**
7 **they told us we shouldn't have.**

8 Q. And then another time in 2011 you had a memo of
9 correction for unbecoming conduct. I guess you had a
10 dispute with a neighbor. There was a dog situation.

11 **A. Yes. My neighbor's dogs got very close to my**
12 **son, and I told him to keep his dogs restrained or he was**
13 **going to get a citation.**

14 Q. And that happened when you were not on duty,
15 correct?

16 **A. I was just coming home from training.**

17 Q. And you were still disciplined for that?

18 **A. I was.**

19 Q. In 2013, there was a citizen complaint that was
20 filed against you. There was a civil standby that you
21 were there for, some kind of family fight. Officer didn't
22 want to -- or I'm sorry. The individual didn't want to
23 come towards you, and you grabbed him and put your cuffs
24 on him, searched his pockets, got his keys and gave them
25 to the girlfriend. Do you recall that?

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1 **A. I do.**

2 Q. And it looks like they sustained three
3 allegations on that, that you should have removed the
4 cuffs and you didn't soon enough?

5 **A. Correct.**

6 Q. And that you went hands-on while he was in cuffs,
7 which is outside the resistance policies?

8 **A. No. There was no like physical confrontation.**
9 **It was just that I took the keys out of his pocket while**
10 **he was in handcuffs.**

11 Q. And that was another -- that was --

12 **A. Right. It's --**

13 Q. No reason to search or seize property?

14 **A. Correct.**

15 Q. You were actually suspended for that for
16 24 hours?

17 **A. I was.**

18 Q. And then in 2014 there was another complaint. It
19 was a family fight. Sounds like some people were --
20 dispute over a kid and the grandparents. Do you recall
21 that?

22 **A. I do.**

23 Q. They alleged that you had a failure to conduct a
24 thorough investigation.

25 **A. Correct.**

90

1 Q. And you were actually suspended for three days.
2 You're aware of that?

3 **A. I am.**

4 Q. Do you know why that suspension of three days,
5 that none of those other things were in your personnel
6 file?

7 MR. POPOLIZIO: Form; foundation.

8 THE WITNESS: Why I was suspended for three
9 days?

10 BY MS. BROADDUS:

11 Q. No. Why that particular instance -- the three
12 from 2009, the two from 2011, and the one from 2013 --
13 were not in your personnel file, but this one from 2014
14 was. Do you know why that is?

15 MR. POPOLIZIO: Form; foundation.

16 THE WITNESS: I don't.

17 BY MS. BROADDUS:

18 Q. You had two more incidents that were brought up
19 against you. Another one was in 2015, another family
20 fight, and you actually tased someone who used empty -- or
21 hard empty hand strikes. Do you recall that?

22 **A. I do.**

23 Q. And that one was rendered justified and within
24 policy, correct?

25 **A. Correct.**

91

1 Q. And then there's another incident in 2015. This
2 is kind of a disturbance call in a trailer park, and there
3 was a gentleman running around in his underwear and you
4 used force and you were exonerated. Do you recall that?

5 **A. Yes.**

6 Q. Are there any other complaints or situations or
7 someone made a complaint against you that you're aware of?

8 **A. Not that I know of.**

9 Q. Are you aware any other officers having any
10 complaints against you?

11 **A. Officers?**

12 Q. Yes.

13 **A. No.**

14 Q. Every year you undergo an annual evaluation,
15 correct?

16 **A. Yes.**

17 Q. And it's my understanding that the year goes
18 from -- is it July through June? Is that --

19 **A. Correct.**

20 Q. And a lot of times in your reviews they've noted
21 these situations where someone had made a complaint
22 against you, correct?

23 **A. Correct.**

24 Q. And if you were suspended, they would note that
25 in your annual review, correct?

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1 **A. Correct.**

2 Q. Do you know why Officer Schneider didn't have his
3 suspension in his reviews?

4 MR. POPOLIZIO: Form; foundation.

5 BY MS. BROADDUS:

6 Q. If you know.

7 **A. I have no idea.**

8 Q. You realize he was suspended, correct?

9 **A. I do.**

10 Q. Do you know how Matt Schneider got the nickname
11 Strong Arm Schneider?

12 **A. I've never heard that, ever.**

13 Q. Really?

14 **A. Never.**

15 Q. Do you know if Glendale has a set of guidelines
16 for what sanctions or punishments are going to be rendered
17 against an officer who has some kind of disciplinary
18 infraction?

19 MR. POPOLIZIO: Form.

20 THE WITNESS: I believe there is, yes.

21 BY MS. BROADDUS:

22 Q. Have you ever seen it?

23 **A. No.**

24 Q. Is there a lot of discretion on whether someone's
25 going to be disciplined or not?

93

1 MR. POPOLIZIO: Form; foundation.
 2 THE WITNESS: I believe there is.
 3 BY MS. BROADDUS:
 4 Q. Do you know who decides whether someone's going
 5 to be disciplined or not for a situation?
 6 **A. I think ultimately the assistant chief decides**
 7 **discipline. That's my understanding.**
 8 Q. Based on your experience with the complaints that
 9 were made against you, do you think you were treated
 10 fairly by the department?
 11 MR. POPOLIZIO: Form.
 12 THE WITNESS: Reference what?
 13 BY MS. BROADDUS:
 14 Q. To the complaints that were made against you in
 15 any disciplinary action that was taken against you.
 16 MR. POPOLIZIO: Form.
 17 THE WITNESS: Yes.
 18 BY MS. BROADDUS:
 19 Q. You think it was fair?
 20 **A. Yes.**
 21 Q. You think some of the situations, that you felt
 22 you acted properly and were still disciplined?
 23 **A. I could say that's a fair statement of my**
 24 **opinion, yes.**
 25 Q. Do you trust Glendale's investigations of claims

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1 made against officers?
 2 MR. POPOLIZIO: Form; foundation.
 3 THE WITNESS: Generally, yes.
 4 BY MS. BROADDUS:
 5 Q. Has there ever been a situation where you saw an
 6 officer that was disciplined that you didn't think
 7 deserved it?
 8 **A. Yes.**
 9 Q. Do you know why they were disciplined if you
 10 didn't think they deserved it?
 11 MR. POPOLIZIO: Form.
 12 THE WITNESS: Not always, no.
 13 BY MS. BROADDUS:
 14 Q. As a result of the events involving the
 15 Wheatcrofts, were you advised or suggested to undergo any
 16 additional training?
 17 MR. POPOLIZIO: Form.
 18 THE WITNESS: No.
 19 BY MS. BROADDUS:
 20 Q. Was NRS, the whole department, did they receive
 21 additional training after the incident involving the
 22 Wheatcrofts or any of the matters relating to it?
 23 MR. POPOLIZIO: Form.
 24 THE WITNESS: Not that I can recall.
 25

95

1 BY MS. BROADDUS:
 2 **Q. Prior -- well, the incident took place on**
 3 **July 27th of 2017, just to give you a reference. Did you**
 4 **know any of the Wheatcroft family members prior to that**
 5 **time?**
 6 **A. No.**
 7 **Q. Had you had any interactions with any of them**
 8 **prior to --**
 9 **A. I don't think so.**
 10 Q. What about the driver of the car? His name was
 11 Shawn Blackburn. Did you have any experiences with him
 12 prior to the July 2017 incident?
 13 **A. After the incident I think there was some**
 14 **documentation or something where I had had some contact**
 15 **with somebody in that car, but I didn't remember at that**
 16 **point, and I don't remember now. I don't know who it was.**
 17 **I don't know which occupant, but it seems like somebody**
 18 **said during one of my interviews that I had a contact with**
 19 **one of them but I didn't remember it.**
 20 Q. When you were there that day on July 26th of
 21 2017, they didn't look familiar? You didn't have any
 22 recollection of coming across any of them prior to that?
 23 **A. Not at all.**
 24 THE COURT REPORTER: I'm sorry. Is it the
 25 26th or 27th?

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1 MS. THOMPSON: 26th.
 2 (An off-the-record discussion ensued.)
 3 BY MS. BROADDUS:
 4 Q. When you were working as a patrol officer back in
 5 July of 2017, did you have a partner you would ride with
 6 or did you normally go alone?
 7 **A. Typically alone.**
 8 Q. And on that date, on July 26th of 2017, were you
 9 driving alone that day?
 10 **A. I was.**
 11 Q. Who was your direct supervisor at that time?
 12 **A. Should have been Kevin Kellogg.**
 13 Q. Do you know how many other officers reported to
 14 that supervisor?
 15 **A. Seven, eight.**
 16 **Just to clarify, I'm not 100 percent sure I**
 17 **was working for Kellogg at that time. I think I was, but**
 18 **I'm not positive.**
 19 Q. Fair enough.
 20 **A. Because around July is when we changed shifts.**
 21 **They changed spots. So I could have been not working for**
 22 **him, but I think I was.**
 23 Q. Fair enough. Thank you for the clarification.
 24 Did you do your reports at the police
 25 station?

101

1 Q. Did you think it was necessary to go to Motel 6
2 that day?

3 A. Two of the officers on that squad, Officers Lewis
4 and Lindsey, I was and am very good friends with, and I
5 just went to check on Officer Lindsey.

6 Q. But that was before you knew something had
7 happened, correct?

8 A. Correct.

9 Q. Were you concerned something was going to happen?

10 A. No. You asked if it was necessary to go by.
11 It's very common to go check on your buddies, so to speak.

12 Q. When you went to Motel 6 that day after you heard
13 there was a traffic stop, did you know when the call was
14 made in that it was Officer Schneider and Lindsey?

15 A. Yes.

16 Q. How did you know that?

17 A. I knew that they were riding together, so I knew
18 once Schneider voiced that he was there, I knew that
19 Lindsey was there.

20 Q. Have you ever been on the scene when
21 Officer Schneider has arrested someone before?

22 A. I'm sure I have.

23 Q. Does the City of Glendale have a policy for body
24 cameras, when you're supposed to activate them and when
25 you don't need to activate them?

102

1 A. Yes.

2 Q. What is your understanding of what that policy
3 is?

4 A. Anytime you're making contact with the public in
5 a police function you should have your body camera on.

6 Q. What happens if you violate that policy?

7 A. If you have a reasonable explanation, you're just
8 told to make sure to have it on next time.

9 Q. That's what happened in your situation that day,
10 correct?

11 A. I did. I was -- I was coming from our main
12 station. I just had my camera switched off. There's a
13 good chance I probably was using the restroom, and I just
14 didn't get a chance to turn it on.

15 Q. When did you realize it wasn't on?

16 A. After the incident ended and I looked down at my
17 camera.

18 Q. Does it have an indicator light?

19 A. It does.

20 Q. Do you normally turn on your camera when you get
21 in your car or when you get to a scene? Or what's your
22 normal practice?

23 A. Usually turn it on once I get out of my car and I
24 realize something's happening, I'm going to have contact
25 with the public.

103

1 Q. When you first arrived, what did you see?

2 A. The first thing that caught my attention was
3 Officer Lindsey raising his arm and kind of gesturing for
4 me to get over there.

5 Q. What did you see when you got over there?

6 A. I saw Officer Schneider having some kind of
7 conflict or some kind of confrontation with the front seat
8 passenger of a vehicle.

9 Q. Did you ask any questions to find out what that
10 conflict was?

11 A. I didn't.

12 Q. Do you normally?

13 A. In a dynamic fast-moving situation where things
14 are actively happening, never.

15 Q. When you first arrived where was Officer Lindsey?

16 A. I remember him in my head to be near the driver's
17 side front door.

18 Q. Do you know why he went to the other side of the
19 vehicle?

20 A. To help --

21 MR. POPOLIZIO: Foundation.

22 THE WITNESS: To help Officer Schneider.

23 BY MS. BROADDUS:

24 Q. When did you find out the basis for the traffic
25 stop?

104

1 A. After everything was over.

2 Q. Did that concern you?

3 MR. POPOLIZIO: Form.

4 THE WITNESS: Did what concern me?

5 BY MS. BROADDUS:

6 Q. That the traffic stop was for an alleged failure
7 to use a turn signal and it escalated into something where
8 a gentleman was tased 11 times.

9 MR. POPOLIZIO: Form.

10 THE WITNESS: Did the basis concern me?

11 BY MS. BROADDUS:

12 Q. Did it concern you that the basis for the traffic
13 stop was an alleged failure to use a turn signal?

14 A. No.

15 Q. When you got there -- I just want to make sure I
16 understand -- was Schneider already engaged with the
17 passenger of the vehicle?

18 A. Yes.

19 Q. Can you tell me what happened, what you saw?

20 A. So as I'm walking up, I begin jogging when Mark
21 gives me a gesture to get over here. As I'm kind of
22 jogging up to the vehicle I see Mark, or Officer Lindsey,
23 quickly walk or jog over to the passenger side. When I
24 saw that, I realized that there was still a driver and
25 that there were occupants in the rear, so I went to the

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1 **driver's side to watch them and watch their actions.**

2 Q. Did you personally see any basis for
3 Officer Schneider to put his hands on the passenger?

4 MR. POPOLIZIO: Form.

5 THE WITNESS: I -- I did not see what was
6 transpiring between them, no.

7 BY MS. BROADDUS:

8 Q. Did you see the witness -- or I'm sorry.

9 Did you see the passenger engage in any
10 illegal activity before Schneider put his hands on him?

11 **A. What --**

12 MR. POPOLIZIO: Form.

13 THE WITNESS: What passenger?

14 BY MS. BROADDUS:

15 Q. The front seat passenger. Did you see Johnny
16 Wheatcroft engage in any illegal activity before Schneider
17 put his hands on him?

18 MR. POPOLIZIO: Form.

19 THE WITNESS: I couldn't see what was
20 happening between them.

21 BY MS. BROADDUS:

22 Q. So you didn't see any illegal activity by Johnny
23 Wheatcroft at that point, correct?

24 MR. POPOLIZIO: Form.

25 THE WITNESS: No.

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1 BY MS. BROADDUS:

2 Q. Prior to Officer Schneider putting his hands on
3 the passenger, did you personally have any probable cause
4 or reasonable suspicion to detain Johnny Wheatcroft?

5 MR. POPOLIZIO: Form.

6 THE WITNESS: Say again.

7 BY MS. BROADDUS:

8 Q. Sure. Prior to Officer Schneider putting his
9 hands on Johnny Wheatcroft, did you personally have any
10 probable cause or reasonable suspicion to detain Johnny?

11 MR. POPOLIZIO: Form.

12 THE WITNESS: Me personally, no.

13 BY MS. BROADDUS:

14 Q. Did you ever hear Officer Schneider or
15 Officer Lindsey tell Johnny Wheatcroft to get out of the
16 vehicle?

17 MR. POPOLIZIO: Form.

18 THE WITNESS: I don't remember hearing it.

19 BY MS. BROADDUS:

20 Q. Do you know why Officer Schneider put his hands
21 on the passenger?

22 MR. POPOLIZIO: Foundation.

23 BY MS. BROADDUS:

24 Q. If you know.

25 **A. At that point, no.**

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1 Q. Did you prepare any report or any narratives
2 regarding this incident involving the Wheatcrofts?

3 MR. POPOLIZIO: Form.

4 THE WITNESS: I did not because I was listed
5 as a victim. So my statement was taken by another
6 officer.

7 BY MS. BROADDUS:

8 Q. Is that common practice for the City of Glendale?

9 **A. Yes.**

10 **(Deposition Exhibit No. 7 was marked for
11 identification.)**

12 BY MS. BROADDUS:

13 Q. You've been handed a document that's been marked
14 as Exhibit No. 7. Have you seen this before?

15 **A. I have not.**

16 Q. You did not review the police report prior to
17 your deposition today. Is that a fair statement?

18 **A. Correct. I can't open it. No, no. We can't --
19 I can't open it up in our internal system. I can't read
20 the report.**

21 Q. Do you know why?

22 **A. There's certain reports that are highlighted as
23 being sensitive and officers cannot open them without a
24 supervisor's approval.**

25 Q. So this one was marked as a sensitive report in

108

1 some way?

2 **A. Correct.**

3 Q. I want to have you turn to Bates No. 000017. And
4 this is part of the police report, the Glendale police
5 report. And towards the top of the page it says, "Victim
6 3," and it has your name. Do you see that?

7 **A. It does. I do.**

8 **Q. Do you know why you were listed as a victim?**

9 **A. Wheatcroft was charged with aggravated assault
10 from when he was kicking and thrashing, and I was kicked
11 during the process. I was listed as a victim.**

12 Q. I'm going to have you go to page 23, please.

13 This is a summary of -- well, it starts about partway down
14 the page. There's a bunch of pound signs or hashtags
15 signs. I guess it depends on how old you are. Then it
16 says, "Interview of Officer Fernandez."

17 Do you see that?

18 **A. I do.**

19 Q. This is not something you prepared, correct?

20 **A. I did not.**

21 Q. It's a summary of someone else's version of what
22 you had said, correct?

23 **A. Correct.**

24 Q. In the first paragraph underneath where you
25 start, the last sentence says, "Officer Fernandez said he

109

1 was going to respond as a back-up unit."

2 Do you see that?

3 **A. I do.**

4 Q. Is it typical to have a backup unit for a traffic
5 stop?

6 **A. It's very common if you're driving by or in the**
7 **area to check on an officer that's conducting a traffic**
8 **stop, yes.**

9 Q. I'm going to have to turn to the next page, which
10 is Bates marked 24. The first full paragraph, the last
11 sentence says, "Officer Fernandez closed both doors and
12 told the people not to move."

13 Why did you do that?

14 **A. I didn't know what was going on at the time. I**
15 **could see that both officers were in a physical**
16 **confrontation with the passenger. So I kept both doors**
17 **closed to keep anyone from getting out and getting**
18 **involved.**

19 Q. The next sentence says, "Officer Fernandez
20 believed the interaction with Officer Schneider was
21 becoming more aggressive with the front seat passenger."

22 Do you see that?

23 **A. I do.**

24 Q. What did you think was -- how did you think the
25 gentleman was becoming more aggressive?

110

1 I'm sorry. Yeah. How did you think

2 Officer Schneider was becoming more aggressive with the
3 front seat passenger?

4 **A. Just becoming --**

5 MR. POPOLIZIO: Form.

6 THE WITNESS: Becoming more verbally
7 aggressive, giving him commands, yelling at somebody.

8 BY MS. BROADDUS:

9 Q. What commands was he giving him?

10 **A. I don't know specifically what. I can't remember**
11 **right this second -- or I don't remember today exactly**
12 **what I heard him saying.**

13 Q. The fifth paragraph down -- and I'll read the
14 first part dealing with Officer Fernandez, but this one
15 says, "Officer Hernandez said he saw Taser probes coming
16 from Johnny so he believed a previous deployment had not
17 been effective."

18 Do you see that?

19 **A. I do.**

20 Q. Where do you see those probes?

21 **A. Well, I just saw like probes and wires coming**
22 **out.**

23 Q. Did you know where the probes or wires were on
24 Johnny's body?

25 **A. No.**

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1 Q. What was Johnny doing when you fired your Taser?

2 **A. When I fired it he was still on the floor kicking**
3 **and thrashing and he wasn't detained.**

4 Q. And then the last sentence of that it says that
5 Johnny basically stopped fighting momentarily. Do you see
6 that?

7 **A. Yes.**

8 Q. So he stopped -- according to you he had stopped
9 doing something. Do you know what made him start again?

10 **A. Do I know what made him start again?**

11 MS. BROADDUS: Yes.

12 MR. POPOLIZIO: Form; foundation.

13 BY MS. BROADDUS:

14 Q. Because the next sentence says he "would fight,
15 kick and thrash around but then stop when the Taser was
16 used."

17 Do you see that?

18 **A. Yes.**

19 Q. So I just want to understand. Your testimony is
20 that throughout the whole event Johnny was kicking and
21 thrashing. Is that your testimony?

22 MR. POPOLIZIO: Form.

23 THE WITNESS: I would say that's a fair
24 statement, yes.

25

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1 BY MS. BROADDUS:

2 Q. Do you think he was kicking or thrashing because
3 he was being tased?

4 MR. POPOLIZIO: Form; foundation.

5 THE WITNESS: If you're kicking and
6 thrashing, then the Taser isn't effective.

7 BY MS. BROADDUS:

8 Q. Are you saying that if someone is being tased
9 they won't kick or thrash?

10 **A. If the Taser's working, it's impossible for you**
11 **to kick or thrash.**

12 Q. What happens to the body when they're being
13 tased?

14 **A. It's called neuromuscular incapacitation. Your**
15 **body locks up to where you cannot move if you're getting**
16 **the desired effect.**

17 Q. You were able to eventually get him handcuffed,
18 correct?

19 **A. Yes.**

20 Q. After he was handcuffed was he continuing to kick
21 and thrash?

22 **A. Yes. Yes.**

23 Q. Did you try and find out when you first got there
24 why things were escalating between Officer Schneider and
25 Johnny Wheatcroft?

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1 **A. When I first got there?**

2 **Q. Yes.**

3 **A. No.**

4 **Q. Why not?**

5 **A. It was a fast-moving, dynamic situation. That's**
6 **not the time where you stop and ask an officer what's**
7 **going on.**

8 **Q. Did you make any assumptions about the people in**
9 **the vehicle?**

10 **A. Assumptions about people in the vehicle?**

11 **Q. Yes.**

12 **A. How do you mean?**

13 **Q. Well, did you assume they were doing something**
14 **illegal?**

15 **A. Yes.**

16 **Q. Why?**

17 **A. Because of the actions of the other officers on**
18 **scene.**

19 **Q. Did you assume there was probable cause or that**
20 **there was some kind of reasonable suspicion of some kind**
21 **of illegal activity found by the officers?**

22 **MR. POPOLIZIO: Form.**

23 **THE WITNESS: Yes.**

24 **BY MS. BROADDUS:**

25 **Q. And like you said, just because they were there**

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1 involved with the passengers, correct?

2 **A. Yes.**

3 **Q. Did you make any assumption that they might be**
4 **trying to get a room at the motel?**

5 **A. I never made any assumptions about them getting a**
6 **room.**

7 **Q. You saw there were kids in the car, correct?**

8 **A. I did.**

9 **Q. As you sit here today, is it fair to say that**
10 **when you were there that day that you didn't know that the**
11 **family was going there to have a family day, that they**
12 **went to the candy store right before that so the kids**
13 **could go swimming? You didn't know that when you arrived**
14 **on the scene, did you?**

15 **MR. POPOLIZIO: Form.**

16 **THE WITNESS: I didn't know that that day,**
17 **and I still don't know that to be true.**

18 **BY MS. BROADDUS:**

19 **Q. Would you agree that the people in the car were**
20 **regular citizens that Glendale was obligated to serve and**
21 **protect?**

22 **MR. POPOLIZIO: Form.**

23 **THE WITNESS: Regular citizens?**

24 **They're regular citizens.**

25

115

1 **BY MS. BROADDUS:**

2 **Q. Do you believe as a police officer that they're**
3 **entitled to -- that an officer is to serve and protect**
4 **them as well?**

5 **MR. POPOLIZIO: Form.**

6 **THE WITNESS: Of course.**

7 **BY MS. BROADDUS:**

8 **Q. Is it common for a Glendale officer who arrives**
9 **at the scene after something's already started that he'll**
10 **back up the other officers?**

11 **A. Yes.**

12 **Q. That's a custom and practice that you normally**
13 **see as a police officer, correct?**

14 **A. Yes.**

15 **Q. And it's rare for you to ever see someone --**
16 **something going on with a police officer where you pull**
17 **the officer off someone else; is that true?**

18 **MR. POPOLIZIO: Form.**

19 **THE WITNESS: That's not true.**

20 **BY MS. BROADDUS:**

21 **Q. Have you ever pulled an officer off a suspect?**

22 **A. I have.**

23 **Q. How many times?**

24 **A. Twice that I know of.**

25 **Q. Why would you do that?**

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1 **A. The person was in handcuffs, and they didn't pose**
2 **a threat, and they just needed to be picked up and put in**
3 **a car.**

4 **Q. Have you seen other officers do that, take**
5 **another officer off the scene, or stop them from using**
6 **some level of force?**

7 **MR. POPOLIZIO: Form.**

8 **THE WITNESS: Not that I can recall right**
9 **now.**

10 **BY MS. BROADDUS:**

11 **Q. It's something that you believe in, though, true?**

12 **MR. POPOLIZIO: Form.**

13 **THE WITNESS: Yes.**

14 **BY MS. BROADDUS:**

15 **Q. I want to ask you about some of the videos. You**
16 **saw the motel video, correct?**

17 **A. I did.**

18 **Q. When you saw the motel video, did you question**
19 **the basis for the stop?**

20 **A. No.**

21 **Q. It didn't bother you that Schneider's police**
22 **vehicle was behind the wall when the other car would have**
23 **turned the corner --**

24 **MR. POPOLIZIO: Form; foundation.**

25

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1 Q. Do you know whether he's kicking at this point?
 2 MR. POPOLIZIO: Form.
 3 THE WITNESS: I'm not there, but I'm not
 4 sure.
 5 MS. BROADDUS: Okay. Go ahead. Stop.
 6 (Video played.)
 7 BY MS. BROADDUS:
 8 Q. At that point -- you just saw the video -- did
 9 you see Johnny kicking anybody?
 10 MR. POPOLIZIO: Form.
 11 THE WITNESS: I couldn't see what he was
 12 doing.
 13 BY MS. BROADDUS:
 14 Q. I'm sorry?
 15 **A. I couldn't see what Johnny was doing.**
 16 Q. We'll slow it down just a pinch.
 17 (Video played.)
 18 BY MS. BROADDUS:
 19 Q. You can see his feet there, correct?
 20 **A. Yes.**
 21 MS. BROADDUS: Stop.
 22 BY MS. BROADDUS:
 23 Q. So that's the point when Mark fell, correct, at
 24 the end of that?
 25 MR. POPOLIZIO: Form.

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1 THE WITNESS: Yes.
 2 BY MS. BROADDUS:
 3 Q. When you saw that video did you see him kicking
 4 anyone?
 5 MR. POPOLIZIO: Form.
 6 THE WITNESS: It didn't look like he was
 7 kicking him.
 8 MS. BROADDUS: Go to the next one.
 9 (Video played.)
 10 BY MS. BROADDUS:
 11 Q. That's when you first come back to the other side
 12 of the vehicle, correct?
 13 **A. Yes.**
 14 Q. What did you see?
 15 **A. I saw that Officer Lindsey had fallen and wasn't**
 16 **getting up. And I saw Officer Schneider in a physical**
 17 **confrontation with Johnny Wheatcroft.**
 18 Q. When you came around, did you already see the
 19 probes from -- and the wires -- I believe that you
 20 testified earlier, when you came around the car you saw
 21 that the Taser was ineffective, that you saw the probes
 22 and wires. Do you recall that testimony?
 23 MR. POPOLIZIO: Form.
 24 THE WITNESS: Yes.
 25

123

1 BY MS. BROADDUS:
 2 Q. So either Officer Lindsey or Officer Schneider
 3 had already deployed something that was -- with the
 4 prongs, correct?
 5 **A. I believe so, yes.**
 6 MS. BROADDUS: Go ahead.
 7 (Video played.)
 8 BY MS. BROADDUS:
 9 Q. Is that the point when you deployed the Taser?
 10 **A. I think right there when my hand extends is**
 11 **where --**
 12 MR. POPOLIZIO: Belated form.
 13 MS. BROADDUS: I'm sorry. I had that
 14 playing and it was kind of loud.
 15 THE WITNESS: I think as my arm extends is
 16 when I deployed my Taser.
 17 MS. BROADDUS: Go to the next one. We're at
 18 what?
 19 MS. THOMPSON: Four minutes in.
 20 (Video played.)
 21 MS. BROADDUS: Can you put that regular
 22 speed, please.
 23 MS. THOMPSON: Yes.
 24 (Video played.)
 25 MS. BROADDUS: Turn the volume down. Stop.

124

1 BY MS. BROADDUS:
 2 Q. Do you recall the kid tapping you on the
 3 shoulder?
 4 **A. I don't.**
 5 Q. Did you see that in the video?
 6 **A. I did.**
 7 Q. Do you know if he said anything to you?
 8 **A. I don't remember.**
 9 Q. Do you know why he would have been tapping you on
 10 the shoulder like that?
 11 MR. POPOLIZIO: Form; foundation.
 12 THE WITNESS: Not sure.
 13 MS. BROADDUS: Go ahead.
 14 (Video played.)
 15 BY MS. BROADDUS:
 16 Q. I want you to watch his feet again. Do you see
 17 his feet and kicking and thrashing at all?
 18 You haven't seen it in the video so far,
 19 correct?
 20 **A. Yeah, I can't see his feet.**
 21 MS. BROADDUS: Go ahead.
 22 (Video played.)
 23 MS. BROADDUS: Stop.
 24 BY MS. BROADDUS:
 25 Q. You see his feet are together right there. He

169

1 MS. BROADDUS: Okay.
 2 MR. POPOLIZIO: -- to see how much I don't
 3 have to ask.
 4 (The deposition was at recess from 1:21 to
 5 1:38 p.m.)
 6 EXAMINATION
 7 BY MR. POPOLIZIO:
 8 Q. Officer Fernandez, I have a few questions for
 9 you, and I hope that I don't have too many questions, but
 10 I'd like to start off by asking you, when you were
 11 restraining Johnny Wheatcroft on the ground, you were up
 12 near his upper body; is that correct?
 13 A. Yes.
 14 Q. You were near his head?
 15 A. Yes.
 16 Q. When you were retraining Mr. Wheatcroft on the
 17 ground, did you ever pull your service weapon and point it
 18 at his head?
 19 A. No, of course not.
 20 Q. When Mr. Wheatcroft was on the ground and you
 21 were restraining him, describe for me how he was acting
 22 physically.
 23 A. He was kicking and thrashing, moving about while
 24 on the ground.
 25 Q. Did you have to exert any effort to hold

170

1 Mr. Wheatcroft down on the ground?
 2 A. Yes. I was physically using my body weight to
 3 try to hold him down.
 4 Q. Were you using your hands in any way?
 5 A. I was holding him down on his arms and shoulders
 6 to try to keep him from moving.
 7 Q. Was he trying to move?
 8 A. He was moving and kicking and just -- it seemed
 9 like he was trying to push up.
 10 Q. Push up off the ground?
 11 A. Correct.
 12 Q. You deployed your Taser in this instance,
 13 correct?
 14 A. Yes.
 15 Q. And you did it a single time; is that right?
 16 A. Yes.
 17 Q. When you deployed your Taser, was that before or
 18 after Officer Lindsey was knocked out?
 19 A. After.
 20 Q. You saw a bit of video here today during your
 21 deposition; is that right?
 22 A. Yes.
 23 Q. And you saw the Motel 6 video, correct?
 24 A. Yes.
 25 Q. And you also saw excerpts of Officer Schneider's

171

1 video, correct?
 2 A. Yes.
 3 Q. You didn't see much of Officer Lindsey's video,
 4 though, did you?
 5 A. No.
 6 Q. Were you concerned when Officer Lindsey was
 7 knocked to the ground?
 8 A. Yes.
 9 Q. When you came around from the driver's side of
 10 the vehicle to the passenger side of the vehicle after he
 11 was knocked down, did you see him on the ground?
 12 A. I did.
 13 Q. What was he doing?
 14 A. He was laying on the back -- on his back not
 15 moving with a dazed look on his face.
 16 Q. There was some examination about Mr. Wheatcroft
 17 and the seat belt on the passenger, or near the passenger
 18 seat of the vehicle in which he was in, correct?
 19 A. Yes.
 20 Q. And when you could see in the video
 21 Mr. Wheatcroft's -- or strike that.
 22 You could see in the video that there was a
 23 seat belt in the front passenger seat of the car that
 24 Mr. Wheatcroft was in, correct?
 25 A. Yes.

172

1 Q. And when you saw that, you could see it around
 2 his right shoulder; is that right?
 3 A. Yes.
 4 Q. In any of this video that you watched today,
 5 could you see whether that seat belt was engaged, the male
 6 buckle part engaged in the female part of the seat?
 7 A. No.
 8 Q. Now, of course the videos that you saw -- except
 9 for the Motel 6 video any other video that you saw here
 10 today was footage from body-worn cameras, correct?
 11 A. Correct.
 12 Q. Mostly from Officer Schneider we watched, right?
 13 A. Yes.
 14 Q. Some from Officer Lindsey; is that right?
 15 A. Yes.
 16 Q. Body-worn cameras, I just wanted to ask you, when
 17 they're turned on, do they catch everything that happens
 18 on scene?
 19 A. No, they don't.
 20 Q. And not to be coy, but it's going to sound this
 21 way, can body-worn cameras, can they film through a car
 22 door?
 23 A. No.
 24 Q. So if you come onto a scene and your body-worn
 25 camera is on, or multiple officers have them on, and there

173

1 is a struggle between an officer or officers and a
2 suspect, would those cameras necessarily catch every part
3 of the struggle between the officers?

4 **A. No.**

5 Q. In this instance when you watch videos from
6 Officer Schneider's body-worn camera, could you catch
7 every kick from Mr. Wheatcroft?

8 **A. No.**

9 Q. Every part of his struggle at the scene?

10 **A. No.**

11 Q. Could you see every part of what Mr. Wheatcroft
12 was doing at the scene?

13 **A. No.**

14 Q. And that was when he -- even when he was engaged
15 with Officer Schneider; is that right?

16 **A. Correct.**

17 Q. How about when he was engaged with you; could you
18 see his entire body at all times?

19 **A. No.**

20 Q. And we're talking about, of course, what was seen
21 in the videos today?

22 **A. Yes.**

23 Q. You understand that, right?

24 **A. Yes.**

25 Q. So, I mean, generally you can't see from these

174

1 body-worn camera footage that you saw today everything
2 that transpired on the scene; is that right?

3 **A. Correct.**

4 Q. You said -- well, strike that.

5 When you came onto the scene you said you
6 kind of jogged over; is that right?

7 **A. Yes.**

8 Q. I believe you said something along the lines of
9 you made an assumption that there might be something
10 illegal going on; is that right?

11 **A. Correct.**

12 Q. Would you generally make an assumption that
13 something illegal might be going on because other officers
14 are just talking to somebody?

15 **A. No.**

16 Q. What made you have that feeling or assumption
17 that something might be going on when you approached the
18 officers and the Taurus in which Johnny Wheatcroft was in?

19 **A. Just the way Officer Lindsey motioned me over,
20 the way I saw him jog to the other side, the elevated
21 tones. There was obviously some kind of argument or
22 altercation happening between, you know, Schneider and
23 the -- and Mr. Wheatcroft. But there was just an elevated
24 sense of urgency in the air.**

25 Q. You know, at the very beginning of your

175

1 deposition I think you were asked whether you held any
2 licenses or certifications. Do you hold any licenses or
3 certifications?

4 **A. I'm certified to be a police officer in Arizona.**

5 Q. So let's look at Exhibits 8 and 9 for a second,
6 okay? You remember looking at these during your
7 examination by Ms. Broaddus, correct?

8 **A. I do.**

9 Q. If you look at Exhibit 8 it says that the
10 duration of your deployment of your Taser was five
11 seconds.

12 **A. Correct.**

13 Q. Look at Exhibit 9 for me, please, and look at
14 page 2.

15 **A. Okay.**

16 Q. Do you see there's kind of a chart or a graph?

17 **A. Yes.**

18 Q. Under that there is a sentence. Do you see that?

19 **A. Yes.**

20 Q. Now, on Exhibit 8 it says that your Taser
21 deployment was five seconds in duration; is that right?

22 **A. Yes.**

23 **Q. But look under the chart on Exhibit 9, and we're**
24 **talking about Bates page Bates numbered Wheatcroft 001669.**
25 **It states, in part: Approximately 60 microcoulombs of**

176

1 **charge indicates a completed connection for approximately**
2 **the first 1.5 seconds.**

3 **Do you see that?**

4 **A. Yes, sir.**

5 Q. Did I read that right?

6 **A. 1.75?**

7 Q. Yes.

8 **A. Yes.**

9 Q. And then after that it says, "and then the charge
10 dropped to zero microcoulombs from seconds 1.75 to 4.75
11 when the connection was reestablished for the
12 last .25 seconds."

13 **Do you see that?**

14 **A. Yes.**

15 Q. So at least according to this, what it says here,
16 is that there was a completed connection from your Taser
17 to Mr. Wheatcroft for approximately the first 1.5 seconds;
18 is that right?

19 **MS. BROADDUS: Object to form.**

20 **THE WITNESS: Yes.**

21 **BY MR. POPOLIZIO:**

22 Q. 1.75 seconds; is that right?

23 **A. Yes.**

24 Q. And then after that, from 1.75 to 4.75, at least
25 what this says right here, the charge dropped to zero; is

177

1 that right?

2 **A. Yes.**

3 Q. And then it was reestablished, though, correct?

4 **A. Yes.**

5 Q. For .25 seconds, was the reestablished time,

6 according to this; is that right?

7 **A. Correct.**

8 Q. So according to this evaluation, the Taser pulse

9 log evaluation, which is Exhibit 9, it indicates that from

10 second 1.75 to 4.75 Mr. Wheatcroft was receiving zero

11 charge from your Taser; is that right.

12 MS. BROADDUS: Object to form and

13 foundation.

14 BY MR. POPOLIZIO:

15 Q. At least according to this, that's what it says

16 here, correct?

17 **A. That's what it appears, yes.**

18 Q. Could you look at Exhibit 6, please. Are you

19 there?

20 **A. Yes.**

21 Q. Could you look at page 000451, please. It's a

22 chart.

23 **A. Okay.**

24 Q. Are you there?

25 **A. Yes.**

178

1 Q. I believe, and I might be wrong, but I believe

2 during your examination by Ms. Broaddus you indicated that

3 if someone was exhibiting active aggression, then lethal

4 force could not be used; is that right?

5 **A. I initially said it could, and then I redacted**

6 **that statement and said it could not.**

7 Q. If you look on page 000451 under active

8 aggression -- do you see where I am?

9 **A. Yes.**

10 Q. -- the second column in the middle -- and I'm

11 looking to the right of the part of the table that says,

12 "Active aggression."

13 Do you see that?

14 **A. Yes.**

15 Q. The very last thing that's noted is what?

16 **A. Lethal impact.**

17 Q. So if someone is exhibiting active aggression you

18 can use lethal force; is that right?

19 **A. Yes.**

20 Q. Depending on the circumstances, though, right?

21 **A. Correct.**

22 Q. And that's what use of force under this policy is

23 about, isn't that right, the totality of the

24 circumstances?

25 **A. Correct.**

179

1 Q. So what an officer like yourself would be obliged

2 to use a reasonable amount of force under the

3 circumstances then and there presented to you; is that

4 right?

5 **A. Correct.**

6 Q. And that is the use of force under the

7 circumstances presented to the officer is under -- well,

8 it is stage five, the reasonable belief of the officer; is

9 that right?

10 **A. Yes.**

11 Q. Look at, of this exhibit, page 000430, please.

12 And at the top it says, "Reasonable belief."

13 Do you see that?

14 **A. Yes.**

15 Q. And it's in the definitional section of this

16 exhibit, Exhibit 7 (sic), which is the Glendale Police

17 Department General Order Response to Resistance; is that

18 right?

19 **A. Yes.**

20 Q. And it says, "P, Reasonable Belief: The

21 conclusion based upon facts and/or totality of the

22 circumstances that a reasonable police officer would

23 believe to be true"; is that right?

24 **A. Yes.**

25 Q. So when a police officer goes to use reasonable

180

1 force, it is based on the totality of the circumstances

2 and what that police officer's reasonable belief is,

3 correct?

4 **A. Yes.**

5 Q. Now, look at the first page of this policy.

6 Remember -- and specifically under 23.002 where it says

7 "Philosophy." Do you see that?

8 **A. Yes.**

9 Q. Ms. Broaddus read a couple of sentences from the

10 first paragraph with the capital letter A, Response to

11 Resistance. Do you remember that?

12 **A. Yes.**

13 Q. And she read the first sentence. Do you remember

14 that?

15 **A. Yes.**

16 Q. And she skipped the second sentence and went to

17 the third sentence. Do you remember that?

18 **A. Yes.**

19 Q. The second sentence reads, "The method of

20 force/control used is predicated on the circumstances of

21 the contact and the amount of resistance presented by the

22 suspect." Okay. Did I generally read that correctly?

23 **A. Yes.**

24 Q. Aside from my stuttering?

25 **A. Yes.**

185

1 **A. No.**

2 Q. Was it available in the set of circumstances on
3 the date of this incident when you deployed your Taser?

4 **A. No.**

5 Q. Officer Fernandez, are traffic stops -- strike
6 that.

7 You've been an officer for how long?

8 **A. 11 and a half years.**

9 Q. And in your experience as an officer, are traffic
10 stops a concern for you?

11 **A. They're very inherently dangerous.**

12 Q. Why?

13 **A. You don't know who's in the vehicle. You don't
14 know what they have access to. You don't know what their
15 intentions are.**

16 Q. Did you have any idea when you were around the
17 vehicle in which the Wheatcrofts were in and their friend,
18 the driver, did you know what was inside that vehicle?

19 **A. No.**

20 Q. Would it concern you if you had approached the
21 vehicle and Mr. Wheatcroft was reaching down in a bag?

22 MS. BROADDUS: Object to form.

23 THE WITNESS: Yes.

24 BY MR. POPOLIZIO:

25 Q. Why?

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1 **A. Again, you don't know what -- what's in the
2 vehicle. You don't know what he's reaching for. You
3 don't know if he has a weapon. You don't know what his
4 intentions are if he was able to get to a weapon.**

5 Q. And is that a general concern of officers when
6 they approach a vehicle, that there would be a weapon
7 inside?

8 MS. BROADDUS: Object to form.

9 THE WITNESS: Every time.

10 BY MR. POPOLIZIO:

11 Q. Is that your concern when you approach a vehicle?

12 **A. Yes.**

13 Q. Now, you saw Mr. Wheatcroft have some sort of a
14 dollar bill or money in his -- I believe his right hand.
15 Did you see that in the video?

16 **A. Left hand, yes.**

17 Q. When you saw that, now, if someone has something
18 like that in their hands, would you still be concerned
19 that they could access a weapon in the vehicle?

20 **A. Yes.**

21 Q. Why?

22 **A. They can quickly drop it and grab something else.**

23 Q. When you came around to the passenger side of the
24 vehicle, it was after Officer Lindsey had been knocked
25 out; is that right?

187

1 **A. Yes.**

2 Q. And why did you come from the driver's side to
3 the passenger side of the vehicle?

4 **A. At that time I thought Officer Wheatcroft was the
5 one that knocked out Officer Lindsey.**

6 Q. Did you say Officer Wheatcroft?

7 **A. Mr. Wheatcroft.**

8 Q. Okay. So you were concerned that Officer --
9 excuse me -- I was going to say it -- that Mr. Wheatcroft
10 had knocked out Officer Lindsey?

11 **A. Yes.**

12 Q. And it didn't matter who knocked out
13 Officer Lindsey to you as to whether you were going to
14 come from the driver's side to the passenger side of the
15 vehicle?

16 **A. If I thought that the front seat driver -- the
17 driver of the vehicle had done something, I would have
18 stayed over there.**

19 Q. But was he doing anything, the driver?

20 **A. No.**

21 Q. So you came around to the passenger side to
22 assist Officer Schneider?

23 **A. Correct.**

24 Q. When you came to that side of the vehicle and you
25 saw Mr. Wheatcroft, did you hear Officer Schneider's Taser

188

1 being used?

2 **A. I don't remember what I heard right that second.**

3 Q. Have you seen anybody under the effect of a
4 Taser?

5 **A. Yes.**

6 Q. What happens?

7 **A. They lock up.**

8 Q. Did Mr. Wheatcroft lock up?

9 **A. No.**

10 Q. Did he lock up under Officer Schneider's
11 deployment of his Taser?

12 **A. No.**

13 MS. BROADDUS: Object to form.

14 BY MR. POPOLIZIO:

15 Q. And how do you know?

16 **A. He was still moving and thrashing about.**

17 Q. What about when you deployed your Taser?

18 **A. I got the desired effect. He did lock up
19 momentarily.**

20 Q. He did lock up momentarily?

21 **A. He did.**

22 Q. And what did you do?

23 **A. I holstered my Taser and put him in handcuffs.**

24 MR. POPOLIZIO: Thank you.

25 MS. BROADDUS: All right. I have a few

189

1 follow-ups.

3 FURTHER EXAMINATION

4 BY MS. BROADDUS:

5 Q. Were you ever in the military?

6 A. No.

7 Q. You were asked about the money in hand when
8 Mr. Wheatcroft was in the car and whether he could still
9 access a weapon.

10 You never saw him in the front seat of the
11 car with the money in hand, did you?

12 A. When I first got there I believe he was still in
13 the front of the vehicle.

14 Q. Did you see that he had money in his hand? Did
15 you see his hands?

16 A. I couldn't see what he was holding in his hands.

17 Q. You made an assumption that Mr. Wheatcroft is the
18 person that injured Officer Lindsey, correct?

19 A. Initially, yes.

20 Q. And you went over to the other side of the car
21 and you assumed the man you saw sitting between the car
22 and the car door was the person that injured another
23 officer. Is that a fair statement?

24 A. Yes.

25 Q. And you see in the video where he's sitting

190

1 there -- I understand you say he was thrashing about. You
2 see the video where he's sitting there when Officer
3 Schneider steps back and deploys his Taser towards his
4 chest. And then you shot your Taser because you did not
5 believe it was working; is that correct?

6 A. Correct.

7 Q. And this is a person that you assumed has hurt
8 your coworker or friend, correct?

9 MR. POPOLIZIO: Form.

10 THE WITNESS: Yes.

11 BY MS. BROADDUS:

12 Q. Were you upset your friend got hurt?

13 A. No.

14 Q. You weren't upset that Officer Lindsey was
15 injured?

16 A. I was concerned.

17 Q. You were saying that when you were pinning him to
18 the ground after he was handcuffed that he was trying
19 to -- it sounds like you said he was trying to lift
20 himself off the ground?

21 A. He was kicking and thrashing and moving.

22 Q. And this was in July of 2017, correct?

23 A. Correct.

24 Q. Do you know what the temperature of that pavement
25 was that day?

191

1 A. No idea.

2 Q. It would be pretty hot, though, do you think?

3 A. I'm not sure.

4 Q. You're not sure? Have you ever tried to lay on
5 the pavement in July in Arizona?

6 MR. POPOLIZIO: Form.

7 THE WITNESS: Can't say that I have.

8 BY MR. POPOLIZIO:

9 Q. I don't blame you. I wouldn't want to either.

10 You're aware that the pavement can cause
11 burns, correct?

12 A. I am.

13 Q. You know, they tell people not to walk their dogs
14 without pads because they could burn their pads, correct?

15 A. Correct.

16 Q. And you had this man laying on the ground pinned
17 to the ground, correct?

18 MR. POPOLIZIO: Form.

19 THE WITNESS: I was holding him on the
20 ground, yes.

21 BY MR. POPOLIZIO:

22 Q. On the pavement?

23 A. Uh-huh. Yes.

24 MS. BROADDUS: All right. I don't have
25 anything further.

192

1 MR. POPOLIZIO: Just a follow-up.

3 FURTHER EXAMINATION

4 BY MR. POPOLIZIO:

5 Q. When you came around to the passenger side of the
6 vehicle and deployed your Taser, did you do it in
7 retaliation for what had happened to Officer Lindsey?

8 A. Absolutely not.

9 Q. Why did you deploy your Taser?

10 A. Mr. Wheatcroft was still an active threat. At
11 that point I thought he was -- I thought he was the one
12 that had caused an officer to fall back. He wasn't
13 detained in handcuffs. He was still an active threat to
14 myself and Officer Schneider.

15 Q. And at that time did you know what was in the
16 car?

17 A. No idea.

18 Q. Were there any other people in the car at that
19 time that you deployed your Taser?

20 A. Yes.

21 Q. Were there two adults?

22 A. Yes.

23 Q. And there were two children, too, correct?

24 A. Yes.

25 Q. Were you ever struck in any way by Mr. Wheatcroft

193

1 during your interaction with him?

2 **A. I thought I felt like I got kicked at some point**
3 **during the entire altercation.**

4 MR. POPOLIZIO: Thank you.

5 Are you done?

6 MS. BROADDUS: I don't have anything
7 further.

8 MR. POPOLIZIO: He'll read and sign.

9 (The deposition concluded at
10 2:08 p.m.)
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195

1 STATE OF ARIZONA)

) ss.

2 COUNTY OF MARICOPA)

3 BE IT KNOWN that the foregoing proceedings were
4 taken before me; that the witness before testifying was
5 duly sworn by me to testify to the whole truth; that the
6 questions propounded to the witness and the answers of the
7 witness thereto were taken down by me in shorthand and
8 thereafter transcribed through computer-aided
transcription under my direction; that the foregoing is a
true and correct transcript of all proceedings had upon
the taking of said proceedings, all done to the best of my
skill and ability.

9 I CERTIFY that I am in no way related to nor
employed by any of the parties hereto nor am I in any way
interested in the outcome hereof.

10 (X) Review and signature was requested.

11 () Review and signature was waived.

12 () Review and signature was not requested.

13 I CERTIFY that I have complied with the ethical
obligations set forth in ACJA Sections 7-206(F)(3) and
14 7-206(J)(1)(g)(1) and (2). DATED at Scottsdale, Arizona,
15 this 21st day of June, 2019.
16

17 _____
MONICA S. BERRY, RPR, CR
Certified Reporter
Arizona CR No. 50234

18 * * * * *
19 I CERTIFY that Berry & Associates, LLC has
20 complied with the ethical obligations set forth in ACJA
21 Sections 7-206(J)(1)(g)(1) and (6).
22
23

24 _____
BERRY & ASSOCIATES, LLC
Registered Reporting Firm
25 Arizona RRF No. R1033

194

1 I, the undersigned, say that I have read the
2 foregoing transcript of testimony taken June 3, 2019, and
3 I declare, under penalty of perjury, that the foregoing is
4 a true and correct transcript of my testimony contained
5 therein.
6

7 EXECUTED this _____ day of _____, 2019.
8
9
10
11
12

13 _____
OFFICER MICHAEL FERNANDEZ
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EXHIBIT 8

***Filed Under
Partial Seal***

Transcript of the Testimony of

Anya Chapman

January 13, 2021

Wheatcroft v. City of Glendale

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<p style="text-align: right;">69</p> <p>1 add a number.</p> <p>2 A. Okay.</p> <p>3 Q. Here's a copy. It's the Plaintiffs' 11th</p> <p>4 Supplemental Responses to Mandatory Initial Discovery</p> <p>5 Project.</p> <p>6 Do you see that?</p> <p>7 A. Yeah.</p> <p>8 Q. Okay.</p> <p>9 And on the second page you're listed as a witness.</p> <p>10 Do you see your name there?</p> <p>11 A. Uh-hmm.</p> <p>12 Q. Okay. And --</p> <p>13 A. I'm sorry, yes.</p> <p>14 Q. Yes. There you go. All right. You caught</p> <p>15 yourself. That's good.</p> <p>16 All right. It says, in part, it says: Anya</p> <p>17 Chapman is expected to testify as to the circumstances,</p> <p>18 manner, causation, and results of the incident.</p> <p>19 Do you see that?</p> <p>20 A. Yes.</p> <p>21 Q. I didn't read that full sentence. It says: And</p> <p>22 her damages. But you no longer have any claims in this so</p> <p>23 I'm not going to be covering that. Okay?</p> <p>24 A. Okay.</p> <p>25 Q. But I want to look at and talk about some of the</p>	<p style="text-align: right;">70</p> <p>1 results of -- of this incident. Okay?</p> <p>2 A. Okay.</p> <p>3 Q. So, now, one result is that you knocked out a</p> <p>4 police officer on the date of this incident; right?</p> <p>5 MS. BROADDUS: Object to form.</p> <p>6 THE WITNESS: Yes.</p> <p>7 BY MR. POPOLIZIO:</p> <p>8 Q. Okay.</p> <p>9 And to do so, it was because you hit him with a</p> <p>10 bag of soft drinks?</p> <p>11 A. Yes.</p> <p>12 Q. Okay.</p> <p>13 And -- okay.</p> <p>14 And when you hit him with the bag of soft drinks,</p> <p>15 the soft drinks bag -- the bag filled with soft drinks hit</p> <p>16 him in the head.</p> <p>17 MS. BROADDUS: Object to form.</p> <p>18 BY MR. POPOLIZIO:</p> <p>19 Q. Is that right?</p> <p>20 MS. BROADDUS: Foundation.</p> <p>21 THE WITNESS: Yes.</p> <p>22 BY MR. POPOLIZIO:</p> <p>23 Q. Okay.</p> <p>24 So another result is -- well, another result of</p> <p>25 your hitting the officer on his head with a bag of soft</p>
<p style="text-align: right;">71</p> <p>1 drinks is that you were arrested; right?</p> <p>2 A. Yes.</p> <p>3 Q. We already established that earlier; right?</p> <p>4 A. Correct.</p> <p>5 Q. And you were charged with aggravated assault --</p> <p>6 A. Uh-hmm. Yes.</p> <p>7 Q. -- of a police officer; right?</p> <p>8 A. Yes.</p> <p>9 Q. And then you pled guilty to aggravated assault;</p> <p>10 correct?</p> <p>11 A. Yes.</p> <p>12 Q. And then you were incarcerated due to that; right?</p> <p>13 A. Yes.</p> <p>14 Q. And do you know how long you were incarcerated</p> <p>15 after your arrest?</p> <p>16 A. 103 days I believe.</p> <p>17 Q. And was that in the Maricopa County jail?</p> <p>18 A. Yes. Estrella jail, yes.</p> <p>19 Q. Okay.</p> <p>20 By the way, do you know the name of the officer</p> <p>21 that you hit in the head with the bag of soft drinks?</p> <p>22 A. Lindsey, I believe.</p> <p>23 Q. Okay. All right.</p> <p>24 So another result of this incident is that you</p> <p>25 were separated from your children; right?</p>	<p style="text-align: right;">72</p> <p>1 A. Yes.</p> <p>2 Q. And that's when you were arrested; right?</p> <p>3 A. Yes.</p> <p>4 Q. And then you went to Estrella jail?</p> <p>5 A. Yes.</p> <p>6 Q. Now, we already established -- and we're talking</p> <p>7 about your children, you had four; right?</p> <p>8 A. Uh-hmm, yes.</p> <p>9 Q. But, and then but two of them are plaintiffs in</p> <p>10 this action. Pursuant to [Doc. 114], Defendants Intend On Filing This Portion Under Seal.</p> <p>11 A. Correct.</p> <p>12 Q. And you were separated from them when you were an</p> <p>13 inmate -- or, yeah, when you were in Maricopa County jail;</p> <p>14 right?</p> <p>15 A. Yes.</p> <p>16 Q. All right.</p> <p>17 Now, let me cross some things out here.</p> <p>18 A. Am I -- can I -- am aloud to say that really</p> <p>19 initially I didn't really -- I didn't hit the cop. They</p> <p>20 just claim that I did. And the only reason why I pled</p> <p>21 guilty is so I could come home.</p> <p>22 Q. We'll get to that.</p> <p>23 A. Okay. I'm like, because I'm saying, yeah, but, I</p> <p>24 mean, I -- that's what, yes, I got arrested for, but really,</p> <p>25 no, I didn't hit the cop.</p>

Anya Chapman

Wheatcroft v. City of Glendale

1/13/2021

<p style="text-align: right;">333</p> <p>1 Q. Okay.</p> <p>2 So you realize that there have been -- we even</p> <p>3 looked at one -- mandatory initial disclosures given in this</p> <p>4 case; right.</p> <p>5 Remember the first exhibit that you saw today?</p> <p>6 A. Yes.</p> <p>7 Q. And it had various things in it; right?</p> <p>8 A. Yes.</p> <p>9 Q. Among those things it's listed like who's going to</p> <p>10 testify to what; right?</p> <p>11 A. Right.</p> <p>12 Q. Do you recall, did you review the mandatory</p> <p>13 initial discovery responses before they were -- before they</p> <p>14 went out from your attorney?</p> <p>15 A. I don't recall, to be honest.</p> <p>16 Q. But you verified them; right?</p> <p>17 A. Yeah, I talked to her about them. Yes.</p> <p>18 Q. And you signed something?</p> <p>19 A. Yes.</p> <p>20 Q. Okay. To verify that this was true and accurate</p> <p>21 to the best of your knowledge?</p> <p>22 A. To the best -- yes.</p> <p>23 Q. I could be wrong, okay, but this is the first time</p> <p>24 I'm hearing anything about you unbuckling Johnny</p> <p>25 Wheatcroft's seat belt. Okay?</p>	<p style="text-align: right;">334</p> <p>1 A. Okay.</p> <p>2 Q. Can I ask you, do you know why I'm just hearing</p> <p>3 this today for the first time?</p> <p>4 MS. BROADDUS: Form.</p> <p>5 THE WITNESS: I have no idea. Because that's the</p> <p>6 whole -- that's the whole -- that was the whole incident</p> <p>7 with the bag. That's how it all, like, initiated, was --</p> <p>8 BY MR. POPOLIZIO:</p> <p>9 Q. Did you --</p> <p>10 A. -- from the seat belt.</p> <p>11 Q. -- did you ever tell any -- during any interview</p> <p>12 with Glendale police that you reached over and unbuckled</p> <p>13 your husband's seat belt?</p> <p>14 A. Yeah, I . . .</p> <p>15 Q. You did. You're sure?</p> <p>16 A. I believe so.</p> <p>17 Q. So --</p> <p>18 A. I mean, I can't -- I don't recall really honestly.</p> <p>19 So I -- that was my intentions was to unbuckle</p> <p>20 that seat belt. That's what I -- that's what I went to do.</p> <p>21 But the seat belt, the bag got stuck in the seat belt.</p> <p>22 Q. Do you remember if you -- it's -- do you recall</p> <p>23 telling any officer that?</p> <p>24 A. No.</p> <p>25 Q. Okay.</p>
<p style="text-align: right;">335</p> <p>1 All right. So, so I asked you, do you have any --</p> <p>2 do you have any reason or could you explain to me how come</p> <p>3 I'm learning about this today for the first time?</p> <p>4 MS. BROADDUS: Object to form.</p> <p>5 THE WITNESS: I have no idea.</p> <p>6 I mean, I don't.</p> <p>7 BY MR. POPOLIZIO:</p> <p>8 Q. Did you review the complaint that was filed in</p> <p>9 this action before it was -- it was served on defendants?</p> <p>10 A. Yeah.</p> <p>11 Q. Okay.</p> <p>12 Do you recall anywhere in that complaint where it</p> <p>13 says that you unbuckled a seat belt?</p> <p>14 A. It should, yeah.</p> <p>15 Q. You do? Are you sure on that?</p> <p>16 A. Pretty sure.</p> <p>17 Q. Okay.</p> <p>18 A. I mean, honestly I can't recall. I don't -- I</p> <p>19 don't remember to be honest.</p> <p>20 Q. Okay.</p> <p>21 MR. POPOLIZIO: All right. Play the -- play the</p> <p>22 video, please, Julie.</p> <p>23 (Video played.)</p> <p>24 MR. POPOLIZIO: Stop.</p> <p>25</p>	<p style="text-align: right;">336</p> <p>1 BY MR. POPOLIZIO:</p> <p>2 Q. So we're stopping at 19:30:38.</p> <p>3 At this point you're back inside the car; right?</p> <p>4 A. Correct.</p> <p>5 Q. And at this point, is that when you have kind of</p> <p>6 moved between the two seats?</p> <p>7 A. Yeah.</p> <p>8 Q. Okay.</p> <p>9 Did you see yourself there?</p> <p>10 A. Yeah.</p> <p>11 Q. Okay.</p> <p>12 MR. POPOLIZIO: Go ahead.</p> <p>13 MS. WANNER: 19:31:38 was the --</p> <p>14 MR. POPOLIZIO: Yes.</p> <p>15 MS. WANNER: -- time stamp?</p> <p>16 (Video played.)</p> <p>17 MR. POPOLIZIO: Stop.</p> <p>18 BY MR. POPOLIZIO:</p> <p>19 Q. We've just stopped at 19:31:43.</p> <p>20 And you were watching the video from the start</p> <p>21 until this stopped right now; right?</p> <p>22 A. Correct.</p> <p>23 Q. Okay.</p> <p>24 And when you were -- when you were watching that</p> <p>25 video, were you looking in the -- through the windshield of</p>

<p style="text-align: right;">337</p> <p>1 the car?</p> <p>2 A. Yes.</p> <p>3 Q. Okay.</p> <p>4 And you saw something white move by; right?</p> <p>5 A. Yeah, and I saw something white fly out.</p> <p>6 Q. Right. We'll get to that.</p> <p>7 So first you saw something white within the --</p> <p>8 within the vehicle kind of move by the windshield; correct?</p> <p>9 A. Correct.</p> <p>10 Q. Going from the driver's -- well, going from like</p> <p>11 the middle of the windshield towards the passenger door;</p> <p>12 right?</p> <p>13 A. Correct.</p> <p>14 Q. Was that the bag that had the soft drinks in it?</p> <p>15 A. I believe so, yes.</p> <p>16 Q. Okay.</p> <p>17 And that went from -- that went from, say, the</p> <p>18 middle of the front compartment to the opening area of the</p> <p>19 driver, of the, excuse me, the passenger's front door;</p> <p>20 correct?</p> <p>21 A. Correct.</p> <p>22 MS. BROADDUS: Object to form, foundation.</p> <p>23 BY MR. POPOLIZIO:</p> <p>24 Q. And you were the person who swung that bag in that</p> <p>25 direction; right?</p>	<p style="text-align: right;">338</p> <p>1 MS. BROADDUS: Objection; form. Foundation.</p> <p>2 THE WITNESS: Yeah. Yes.</p> <p>3 BY MR. POPOLIZIO:</p> <p>4 Q. And when you did so, you hit Officer Lindsey with</p> <p>5 that bag; right?</p> <p>6 A. But the bag was stunk on the seat belt also.</p> <p>7 It --</p> <p>8 Q. I didn't ask you that.</p> <p>9 Just answer my question.</p> <p>10 A. Okay.</p> <p>11 Q. When you swung the bag --</p> <p>12 A. Okay.</p> <p>13 Q. -- that was filled with the Dr. Pepper sodas --</p> <p>14 A. Okay.</p> <p>15 Q. -- it hit Officer Lindsey?</p> <p>16 A. Yes.</p> <p>17 Q. Do you remember where it hit him?</p> <p>18 A. No. I didn't even know it hit anybody at that</p> <p>19 point.</p> <p>20 Q. And so let me ask you, why did you -- why did you</p> <p>21 swing the bag in that direction?</p> <p>22 A. It was a kind of like, like I said, I swung it.</p> <p>23 It all was all, like, all in, like -- it was so fast, but I</p> <p>24 was like, he's not going to fight. I'm like, stop.</p> <p>25 And then that's when it just got tangled up and</p>
<p style="text-align: right;">339</p> <p>1 whipped around.</p> <p>2 Q. So you -- you're on video, but you -- you just</p> <p>3 showed -- you just showed us that you took your arms and</p> <p>4 kind of --</p> <p>5 A. Like he --</p> <p>6 Q. -- just put them out to the side?</p> <p>7 A. Right.</p> <p>8 Q. And when you did that, you flung the, the bag</p> <p>9 with the four Dr. Peppers in it in a direction of</p> <p>10 Officer Lindsey?</p> <p>11 MS. BROADDUS: Object to form.</p> <p>12 THE WITNESS: Correct.</p> <p>13 BY MR. POPOLIZIO:</p> <p>14 Q. And it hit him?</p> <p>15 A. Yes.</p> <p>16 MS. BROADDUS: Object to form, foundation.</p> <p>17 BY MR. POPOLIZIO:</p> <p>18 Q. And when you also mentioned when, when you did</p> <p>19 that, I said did you ask -- I asked you, did you see</p> <p>20 something white on the video, you said yes, you actually saw</p> <p>21 two things; right?</p> <p>22 A. Correct.</p> <p>23 Q. And the second thing that you saw was kind of a</p> <p>24 white-ish object that flew in the air outside the vehicle,</p> <p>25 the passenger's side of the vehicle; right?</p>	<p style="text-align: right;">340</p> <p>1 A. Correct.</p> <p>2 Q. Towards the back of the vehicle?</p> <p>3 A. Correct.</p> <p>4 Q. Okay.</p> <p>5 Do -- did you see if -- did you see from this</p> <p>6 video if that object hit anybody or anything?</p> <p>7 A. I didn't -- I didn't see it. I didn't notice.</p> <p>8 MR. POPOLIZIO: Can we back it up just a little?</p> <p>9 THE WITNESS: I just seen it fling.</p> <p>10 (Video played.)</p> <p>11 MR. POPOLIZIO: And I want you to watch for that</p> <p>12 object. Okay?</p> <p>13 (Video played.)</p> <p>14 MR. POPOLIZIO: Okay. Stop.</p> <p>15 BY MR. POPOLIZIO:</p> <p>16 Q. Did you see the object come out of the -- out of</p> <p>17 the vehicle?</p> <p>18 A. Yes.</p> <p>19 Q. Okay.</p> <p>20 Did you see what it hit this time?</p> <p>21 A. The roof?</p> <p>22 Q. You didn't see that it hit Officer Lindsey in the</p> <p>23 head?</p> <p>24 A. So what -- I mean, did the bag hit him or the</p> <p>25 object --</p>

<p style="text-align: right;">341</p> <p>1 Q. I asked you to concentrate on that white bottle, 2 so did you see the bottle hit him in the head? 3 A. No, I didn't. 4 Q. Okay. 5 Did you see him fall backwards? 6 A. Yes. 7 Q. Okay. 8 And he fell to the rear of the car; right? 9 A. Correct. 10 MR. POPOLIZIO: And -- okay. 11 And this was we stopped at 19:31:48? 12 MS. WANNER: Forty-three. 13 MR. POPOLIZIO: Forty-three. My eyes. 14 Okay. 15 Start -- start the video again. 16 (Video played.) 17 MR. POPOLIZIO: Okay. Stop. 18 BY MR. POPOLIZIO: 19 Q. I should have asked you, but were you watching 20 yourself during that time? 21 A. Uh-hmm. 22 Q. Okay. 23 We stopped the video at 19:32:01. 24 And when you -- when we watched, when you watch 25 yourself in the video, you were leaning well into the front</p>	<p style="text-align: right;">342</p> <p>1 compartment of the car; right? 2 A. Yeah, by this time, yes. 3 Q. And you're kind of -- you have your -- your front 4 arm and -- or arms on the passenger's seat where your 5 husband was seated? 6 A. Yes. 7 Q. And at this point he's outside of the car? 8 A. Right. 9 Q. And you're inside the car looking out the 10 passenger door; right? 11 A. Correct. 12 Q. Did you see anything white there? 13 A. No. 14 Q. Okay. 15 MR. POPOLIZIO: Could you back it up just a few 16 frames? 17 (Video played.) 18 MR. POPOLIZIO: There. 19 BY MR. POPOLIZIO: 20 Q. Were you watching yourself? 21 We stopped at 19:32:00. 22 A. Yes. 23 Q. Okay. 24 And that time when you watched yourself did you 25 see something white?</p>
<p style="text-align: right;">343</p> <p>1 A. In my hand? Yes. 2 Q. Yes. And that was -- that was the bag; right? 3 A. Correct. 4 Q. Okay. 5 Now that bag at this point was on the front 6 passenger's seat; right? 7 A. I thought it was around my wrist. 8 Q. Right. Was it hanging in the air on your wrist? 9 Were you holding it up in the air at all times? 10 A. No, I had it down. I was like this. 11 Q. Okay. 12 So was it resting on the seat? 13 A. Or the middle console, yeah. 14 Q. Okay. 15 Was it still connected to your wrist at that time? 16 A. I didn't -- I believe so. 17 Q. Do you -- do you recall? 18 A. I don't recall, really. 19 Q. And so it was the act of swinging the bag that hit 20 Officer Lindsey in the head that you were arrested for? 21 MS. BROADDUS: Object to form. 22 BY MR. POPOLIZIO: 23 Q. Right? 24 A. Yes, I guess it is. 25 Q. And you were arrested for assaulting</p>	<p style="text-align: right;">344</p> <p>1 Officer Lindsey with that bag of soft drinks; right? 2 A. Yeah, a deadly weapon they called it. 3 Q. Okay. 4 A. But, yes. 5 That's crazy. 6 Q. And it may be crazy but maybe it's the law. 7 But you pled guilty to that charge; right? 8 A. Yes, I did. 9 Q. Okay. 10 So, let me just. . . 11 Bear with me. 12 MR. POPOLIZIO: Okay. Let's go to 13 Officer Schneider's body worn camera footage. 14 Once we get that, I'm going to get a drink. 15 MS. WANNER: Officer Schneider's body worn camera 16 video has previously been marked as Exhibit 43. 17 (Deposition Exhibit No. 43 was marked for 18 identification.) 19 MR. POPOLIZIO: Just start it from the beginning. 20 (Video played.) 21 MR. POPOLIZIO: Stop. 22 BY MR. POPOLIZIO: 23 Q. So we, we played from the beginning to 56 -- oh, 24 which way are we going? 25 MS. WANNER: Fifty-six seconds.</p>

<p style="text-align: right;">345</p> <p>1 BY MR. POPOLIZIO:</p> <p>2 Q. Fifty-six seconds into the -- into the video.</p> <p>3 So you saw the officer -- you saw from the view of</p> <p>4 Officer Schneider's camera he approached your vehicle;</p> <p>5 right?</p> <p>6 A. Correct.</p> <p>7 Q. And when he did, he actually said, how you guys</p> <p>8 doing or something like that, how you all, how you guys</p> <p>9 doing, or something to that effect; right?</p> <p>10 A. Correct.</p> <p>11 Q. And he then asked if you were staying there.</p> <p>12 A. Correct.</p> <p>13 Q. All right.</p> <p>14 You heard your husband say we're about to get a</p> <p>15 room; right?</p> <p>16 A. Correct. Sorry.</p> <p>17 Q. And then he, he actually said to the driver, you</p> <p>18 heard him say, hey, you know, when you turn in here, man,</p> <p>19 just make sure you turn your turn signal on for us.</p> <p>20 A. Correct.</p> <p>21 Q. You heard that on the video; right?</p> <p>22 A. Correct.</p> <p>23 MS. BROADDUS: Object to form, foundation.</p> <p>24 BY MR. POPOLIZIO:</p> <p>25 Q. Do you remember hearing that that day?</p>	<p style="text-align: right;">346</p> <p>1 A. Yes.</p> <p>2 Q. It might not have recounted it perfectly, but</p> <p>3 that's what Officer Schneider said.</p> <p>4 A. Correct.</p> <p>5 Q. And you just heard that; right?</p> <p>6 A. Yes.</p> <p>7 Q. Now, when Officer Schneider made that statement,</p> <p>8 you know, telling the driver, hey, when you turn in here,</p> <p>9 could you throw your turn signal on, or something to that</p> <p>10 effect, could you use your turn signal, nobody in the car</p> <p>11 said he did have his signal on; right?</p> <p>12 A. Correct.</p> <p>13 MS. BROADDUS: Object to form.</p> <p>14 BY MR. POPOLIZIO:</p> <p>15 Q. Okay.</p> <p>16 You didn't hear Shawn Blackburn say, but I did put</p> <p>17 my signal on.</p> <p>18 Right?</p> <p>19 A. No, I didn't.</p> <p>20 Q. Okay.</p> <p>21 And you didn't say, hey, he did use his turn</p> <p>22 signal.</p> <p>23 Right?</p> <p>24 A. Well, no, I didn't say that.</p> <p>25 Q. Okay.</p>
<p style="text-align: right;">347</p> <p>1 And you didn't hear your husband say anything to</p> <p>2 that effect either; right?</p> <p>3 A. Correct.</p> <p>4 Q. Okay.</p> <p>5 MR. POPOLIZIO: Could you go back to 55, because</p> <p>6 that's what's in my notes.</p> <p>7 Start there.</p> <p>8 (Video played.)</p> <p>9 MR. POPOLIZIO: Stop.</p> <p>10 BY MR. POPOLIZIO:</p> <p>11 Q. So we stopped at a minute, four seconds.</p> <p>12 And Officer Schneider asked, in this way, he said,</p> <p>13 nobody has their ID on them?</p> <p>14 Did you hear that?</p> <p>15 A. Yes.</p> <p>16 Q. Do you remember hearing him say that that day?</p> <p>17 A. Yes.</p> <p>18 Q. And you heard someone say no?</p> <p>19 A. Correct.</p> <p>20 Q. And who's that?</p> <p>21 A. That was Johnny.</p> <p>22 Q. Okay.</p> <p>23 And then but you said that you -- that you had ID;</p> <p>24 right?</p> <p>25 A. Yeah, in my hand. I had my ID ready to go, on me.</p>	<p style="text-align: right;">348</p> <p>1 Q. Okay. All right.</p> <p>2 And Officer Lindsey is speaking with the driver,</p> <p>3 Shawn Blackburn, at this point; right?</p> <p>4 A. I don't -- I don't even know if he said anything</p> <p>5 to him. I don't know.</p> <p>6 Q. Okay.</p> <p>7 So at least at this point you said that you had ID</p> <p>8 because you had it in your hand?</p> <p>9 A. Correct.</p> <p>10 Q. And look in the back of the vehicle there, where</p> <p>11 you would be sitting, do you see that, behind Mr. Blackburn?</p> <p>12 A. Correct. I see it.</p> <p>13 Q. Is that your hand there?</p> <p>14 A. Yeah.</p> <p>15 Q. Is that your hand with your ID?</p> <p>16 A. I believe so. It looks like it.</p> <p>17 Q. Okay.</p> <p>18 MR. POPOLIZIO: All right. Start, Julie.</p> <p>19 (Video played.)</p> <p>20 MR. POPOLIZIO: Stop there, Julie.</p> <p>21 BY MR. POPOLIZIO:</p> <p>22 Q. So we stopped the video at one minute, 21 seconds.</p> <p>23 You heard Officer Schneider ask, nothing in the</p> <p>24 car that shouldn't be, something like that; right?</p> <p>25 A. Correct.</p>

<p style="text-align: right;">377</p> <p>1 Q. Okay.</p> <p>2 But as you saw this today, you saw that your</p> <p>3 unbuckling the seat belt was impossible --</p> <p>4 A. Right, correct. I never noticed that before.</p> <p>5 Q. Okay. It was already unbuckled?</p> <p>6 A. Right. I didn't -- I never noticed that. Out of</p> <p>7 all the times I've seen that, I've never noticed that.</p> <p>8 Q. So at some point, we're go to watch some more, you</p> <p>9 reentered the vehicle; right?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. And as you reenter the vehicle, you see</p> <p>12 that your husband is, is struggling with the officers?</p> <p>13 A. Yes.</p> <p>14 Q. Okay.</p> <p>15 A. Or Lindsey had told me to sit -- to get back in</p> <p>16 the vehicle. I had asked him, what, do I stand here or do</p> <p>17 you want me to get back in? He told me to get back in.</p> <p>18 Q. You asked him that?</p> <p>19 A. Yes. And that's when he told me to just go ahead</p> <p>20 and get back in there.</p> <p>21 Q. Okay.</p> <p>22 MR. POPOLIZIO: All right. So let's play the</p> <p>23 video, Julie.</p> <p>24 (Video played.)</p> <p>25 MR. POPOLIZIO: Stop.</p>	<p style="text-align: right;">378</p> <p>1 BY MR. POPOLIZIO:</p> <p>2 Q. So at this point you are in between the seats of</p> <p>3 the front seats; right?</p> <p>4 A. Correct.</p> <p>5 Q. And you entered the vehicle and got between the</p> <p>6 front seats; right?</p> <p>7 A. Yes.</p> <p>8 Q. And we stopped this at -- this video at</p> <p>9 three minutes and 19 seconds.</p> <p>10 Now, before we stopped the video, did you -- did</p> <p>11 you watch what you did?</p> <p>12 A. Yeah, I -- I didn't. . .</p> <p>13 Q. Yes or no. Did you watch yourself on the video?</p> <p>14 A. Yes, yes, yes, yes.</p> <p>15 Q. Okay.</p> <p>16 So when you watch yourself on the video, did you</p> <p>17 see yourself reach for something?</p> <p>18 A. No.</p> <p>19 Q. Okay.</p> <p>20 MR. POPOLIZIO: Back it up to 3:15, please, Julie.</p> <p>21 If we could play 315 to 319 slowly.</p> <p>22 (Video played.)</p> <p>23 BY MR. POPOLIZIO:</p> <p>24 Q. Did you watch yourself that time?</p> <p>25 A. I saw my arm go forward, yes.</p>
<p style="text-align: right;">379</p> <p>1 Q. Okay. You reached forward; right?</p> <p>2 A. Well, I went forward. I wasn't -- I mean, I</p> <p>3 don't -- I don't remember what I was doing really, but I</p> <p>4 seen my arm going forward, yes.</p> <p>5 Q. We stopped at the -- the, the video at 3:18;</p> <p>6 right?</p> <p>7 A. Okay.</p> <p>8 Q. Okay.</p> <p>9 So, you saw yourself -- you see yourself. You're</p> <p>10 in -- you're in the, in the middle of the two front seats;</p> <p>11 right?</p> <p>12 A. Correct.</p> <p>13 Q. And when we started at 3:15 to this point on 3:18,</p> <p>14 you saw yourself take your right arm and reach with your</p> <p>15 right arm to the front, into the front compartment of the</p> <p>16 vehicle.</p> <p>17 Do you see that?</p> <p>18 A. Yes.</p> <p>19 Q. Okay.</p> <p>20 Now, the seat belt right now as you see at 3:18,</p> <p>21 where we're stopped, it's coming from where it's attached to</p> <p>22 the car over your husband's back and then down on his, like,</p> <p>23 right shoulder area; right?</p> <p>24 A. Correct.</p> <p>25 Q. Do you see it?</p>	<p style="text-align: right;">380</p> <p>1 A. Yeah.</p> <p>2 Q. Do you see that?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. Now, again --</p> <p>5 A. My legs are getting tired. Sorry.</p> <p>6 MR. POPOLIZIO: You can bring the seat -- or does</p> <p>7 she need to stand up, Ms. Videographer? She needs to stand</p> <p>8 up; right?</p> <p>9 THE VIDEOGRAPHER: I don't know if she's going to</p> <p>10 be able to see.</p> <p>11 MR. POPOLIZIO: Okay. That's all right. Okay.</p> <p>12 THE WITNESS: I'll bear through it.</p> <p>13 MR. POPOLIZIO: Okay.</p> <p>14 So, Julie, could you -- could you back it up to</p> <p>15 3:15 again.</p> <p>16 And let's watch -- focus on you, please, Anya.</p> <p>17 MS. WANNER: Decreased speed again?</p> <p>18 MR. POPOLIZIO: Yeah, on 3:15. Bring it to 3:19.</p> <p>19 (Video played.)</p> <p>20 THE WITNESS: Yes, I see me reaching.</p> <p>21 BY MR. POPOLIZIO:</p> <p>22 Q. So you saw yourself reaching with your right --</p> <p>23 with your right arm; right?</p> <p>24 A. Correct.</p> <p>25 Q. Into the front compartment of the vehicle; right?</p>

<p style="text-align: right;">381</p> <p>1 A. Correct.</p> <p>2 Q. Towards the area of your husband?</p> <p>3 A. Yes.</p> <p>4 Q. Okay.</p> <p>5 And that would be the passenger side of the</p> <p>6 vehicle?</p> <p>7 A. Correct.</p> <p>8 Q. And as we stopped at 3:19, you can see your right</p> <p>9 arm there in the top left corner of the video; right?</p> <p>10 A. Correct.</p> <p>11 Q. So, as you reached into that front compartment</p> <p>12 area towards your husband, do -- do you recall now what you</p> <p>13 reached for?</p> <p>14 A. I guess that's how the bag ended up on my hand,</p> <p>15 but I -- I don't remember doing that.</p> <p>16 Q. Okay.</p> <p>17 Now, when you reached -- well, we just played the</p> <p>18 video from 3:15 to 3:19; right?</p> <p>19 A. Correct.</p> <p>20 Q. And you watched yourself, as I asked you; right?</p> <p>21 A. Yes.</p> <p>22 Q. Thank you for doing that.</p> <p>23 And when you saw yourself reaching, did you see</p> <p>24 yourself -- do you see where you were looking?</p> <p>25 A. No.</p>	<p style="text-align: right;">382</p> <p>1 Q. Okay.</p> <p>2 MR. POPOLIZIO: Let's back it up to 3:15, please,</p> <p>3 and play it slowly to 3:19.</p> <p>4 (Video played.)</p> <p>5 BY MR. POPOLIZIO:</p> <p>6 Q. Okay.</p> <p>7 Did you see your -- watch yourself in that?</p> <p>8 A. Yeah. I was -- it looks like I was grabbing the</p> <p>9 bag.</p> <p>10 Q. Okay.</p> <p>11 That's what I was going to ask you. You were</p> <p>12 looking down towards the, the area where the bag was; right?</p> <p>13 A. Correct.</p> <p>14 Q. Okay.</p> <p>15 MR. POPOLIZIO: Julie, let's play. I'll tell you</p> <p>16 when to stop.</p> <p>17 You can play at normal speed.</p> <p>18 (Video played.)</p> <p>19 MR. POPOLIZIO: Stop.</p> <p>20 BY MR. POPOLIZIO:</p> <p>21 Q. So, you watched that and you heard the tasers;</p> <p>22 right?</p> <p>23 A. (No oral response.)</p> <p>24 Q. Now, at that point, you know, as that happened and</p> <p>25 your husband's outside the vehicle, you're -- your upper</p>
<p style="text-align: right;">383</p> <p>1 torso is all the way in the seat area where he was sitting;</p> <p>2 right?</p> <p>3 A. Right.</p> <p>4 Q. Okay.</p> <p>5 MR. POPOLIZIO: Could you back it up to 3:47, and</p> <p>6 play it slowly to 3:49.</p> <p>7 Watch yourself.</p> <p>8 (Video played.)</p> <p>9 BY MR. POPOLIZIO:</p> <p>10 Q. Now, we stopped at 3:49. We started at 3:47.</p> <p>11 And at this point your upper body is in -- in the</p> <p>12 front compartment of the vehicle; right?</p> <p>13 A. Correct.</p> <p>14 Q. Okay.</p> <p>15 And you were at 3:49 clearly visible from your</p> <p>16 right profile; right?</p> <p>17 A. Yes.</p> <p>18 Q. Okay.</p> <p>19 And you're looking -- well, let, let me put it</p> <p>20 this way.</p> <p>21 Your husband -- well, let me ask you. What are</p> <p>22 you looking at?</p> <p>23 A. I really don't remember.</p> <p>24 Q. What is your hand on?</p> <p>25 A. My hand is on the seat and the bag.</p>	<p style="text-align: right;">384</p> <p>1 Q. Is on what, the seat and the bag?</p> <p>2 A. The seat and the bag, yeah.</p> <p>3 Q. Okay. The plastic bag?</p> <p>4 A. Yes.</p> <p>5 Q. Okay.</p> <p>6 You don't recall what you're -- what you're</p> <p>7 looking for?</p> <p>8 A. No. I don't recall.</p> <p>9 Q. Okay.</p> <p>10 At this point, are you reaching for something?</p> <p>11 A. I don't know what I'm doing. I mean, I don't</p> <p>12 remember what I'm doing. I, I don't know.</p> <p>13 MR. POPOLIZIO: Julie, just play like two seconds</p> <p>14 more.</p> <p>15 (Video played.)</p> <p>16 MR. POPOLIZIO: Stop.</p> <p>17 BY MR. POPOLIZIO:</p> <p>18 Q. Did you see that -- did you see what you were</p> <p>19 doing at that point?</p> <p>20 A. I still don't. I'm still not understanding what</p> <p>21 I'm doing.</p> <p>22 MR. POPOLIZIO: Let's back it up, please. And</p> <p>23 back it up to 3:47 slowly, please.</p> <p>24 I'll tell you when to stop.</p> <p>25 (Video played.)</p>

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<p style="text-align: right;">385</p> <p>1 MR. POPOLIZIO: Stop.</p> <p>2 BY MR. POPOLIZIO:</p> <p>3 Q. Did you see yourself reach with your right hand?</p> <p>4 A. Yeah.</p> <p>5 Q. And where were you reaching?</p> <p>6 A. It looks like I was reaching by his head.</p> <p>7 Q. Well, past his head, it appears. Right? Do you</p> <p>8 see your arm?</p> <p>9 A. Yeah.</p> <p>10 Q. Are you reaching into your husband's bag?</p> <p>11 A. No.</p> <p>12 Q. Let me, let me --</p> <p>13 A. Never even put my head in that bag.</p> <p>14 Q. Let me point exactly --</p> <p>15 A. I know that for a fact.</p> <p>16 Q. -- to you.</p> <p>17 This is you; right?</p> <p>18 A. Yeah.</p> <p>19 Q. This is your arm?</p> <p>20 A. Yes.</p> <p>21 Q. It's your arm?</p> <p>22 A. What's this?</p> <p>23 Q. That's his head.</p> <p>24 A. Okay.</p> <p>25 Q. What's this over here?</p>	<p style="text-align: right;">386</p> <p>1 A. The bag is way over there.</p> <p>2 Q. Okay.</p> <p>3 A. My hand is right here, I guess.</p> <p>4 Q. Your hand is past your husband's head; right?</p> <p>5 A. Okay.</p> <p>6 Q. Towards his bag?</p> <p>7 A. Yes.</p> <p>8 Q. Okay.</p> <p>9 Now, when your hand was there, did you reach for</p> <p>10 something, Anya?</p> <p>11 A. No.</p> <p>12 Q. Did you place your hand in your husband's bag?</p> <p>13 A. Absolutely not.</p> <p>14 Q. Did -- why could you tell me was your hand that</p> <p>15 far forward beyond your husband?</p> <p>16 A. I don't know. I really can't say, because I don't</p> <p>17 know.</p> <p>18 Q. Could you tell me what you were looking at?</p> <p>19 A. I don't know.</p> <p>20 But I never stuck my hand in my -- in his bag</p> <p>21 ever. So I -- I know that for a fact.</p> <p>22 Q. Did you reach into any area into the front console</p> <p>23 area of the vehicle?</p> <p>24 A. No. No, I did not.</p> <p>25 I mean, I can't -- honestly I can't tell you what</p>
<p style="text-align: right;">387</p> <p>1 I'm doing right there, but never did I reach for anything or</p> <p>2 put my hand in anything.</p> <p>3 The only thing I had my hand on was that white bag</p> <p>4 in the front passenger seat.</p> <p>5 Q. After you got in?</p> <p>6 A. Yeah, when I was right there. It was just before</p> <p>7 that.</p> <p>8 Q. Now, when -- you know there was methamphetamine</p> <p>9 found in this vehicle; right?</p> <p>10 A. I -- well, I'm aware of that now, but at the time,</p> <p>11 no, I was not aware.</p> <p>12 Q. Did you reach for methamphetamine?</p> <p>13 A. No.</p> <p>14 Q. Okay.</p> <p>15 Did you take methamphetamine from the front of</p> <p>16 this vehicle --</p> <p>17 A. No.</p> <p>18 Q. -- into the back seat?</p> <p>19 A. Absolutely not.</p> <p>20 Q. Okay.</p> <p>21 Play, play, Julie, you can play -- play it slowly</p> <p>22 and I'll tell you when to stop.</p> <p>23 (Video played.)</p> <p>24 MR. POPOLIZIO: You can stop.</p> <p>25 I thought I would be able to see a little bit more</p>	<p style="text-align: right;">388</p> <p>1 of Anya, but I wasn't able to.</p> <p>2 Could you bring it, for the sake of time, to like</p> <p>3 4:10?</p> <p>4 (Video played.)</p> <p>5 MR. POPOLIZIO: Stop.</p> <p>6 BY MR. POPOLIZIO:</p> <p>7 Q. So, we stop -- we started at 4:10 and then we</p> <p>8 stopped it at 4:12; right?</p> <p>9 A. (No oral response.)</p> <p>10 Q. You're again in the front seat; right?</p> <p>11 A. Right. Yes.</p> <p>12 Q. And here it looks like you're looking towards</p> <p>13 Officer Schneider; right?</p> <p>14 A. Yes.</p> <p>15 Q. And you have your -- your right arm extended, your</p> <p>16 palm up; right?</p> <p>17 A. Correct.</p> <p>18 Q. Your left hand is where?</p> <p>19 A. On the seat.</p> <p>20 Q. Doing what?</p> <p>21 A. Holding a Dr. Pepper can.</p> <p>22 Q. Okay.</p> <p>23 Did you have a Dr. Pepper can in your hand when</p> <p>24 you entered?</p> <p>25 A. Yeah, remember I had it the whole time, holding it</p>

<p style="text-align: right;">397</p> <p>1 Q. And then you were brought down to the ground; 2 right?</p> <p>3 A. Correct.</p> <p>4 Q. And arrested?</p> <p>5 A. Yes.</p> <p>6 Q. You're handcuffed down there?</p> <p>7 A. Yes.</p> <p>8 Q. Okay.</p> <p>9 So at that point when that's happening, as you're 10 being brought out of the car and then arrested, 11 handcuffed -- right?</p> <p>12 A. Yes.</p> <p>13 Q. You're not watching over what's happening with 14 your husband; right?</p> <p>15 A. No.</p> <p>16 MS. BROADDUS: Object to form.</p> <p>17 THE WITNESS: I just hear it.</p> <p>18 BY MR. POPOLIZIO:</p> <p>19 Q. Right. Because you can't see it.</p> <p>20 A. Right.</p> <p>21 Q. Because you can't see through the car.</p> <p>22 A. Well, also he knocked my glasses off my face.</p> <p>23 Q. And you lost your glasses.</p> <p>24 A. Yes.</p> <p>25 Q. And we've established today, when you talked,</p>	<p style="text-align: right;">398</p> <p>1 you're legally blind, that's why you're standing here 2 watching the video and we're standing up.</p> <p>3 A. Yeah.</p> <p>4 Q. Okay.</p> <p>5 A. And maybe that's why I'm seeing things I ain't 6 seen before.</p> <p>7 Q. Yeah.</p> <p>8 So, you don't know what's going on -- visually you 9 don't know what's going on on the passenger side of the 10 vehicle between your husband and the officers at this time?</p> <p>11 A. No. Just -- no, just what I can hear, not 12 visually.</p> <p>13 Q. So, right, you just hear.</p> <p>14 A. Yes.</p> <p>15 Q. Okay.</p> <p>16 And it's a lot -- it's a commotion; right?</p> <p>17 A. A lot.</p> <p>18 Q. Okay.</p> <p>19 So when you're on the other side of the vehicle 20 after losing your glasses and, and, and being handcuffed by 21 another officer -- right?</p> <p>22 A. Correct.</p> <p>23 Q. You don't see your husband being tased in the 24 testicles; right?</p> <p>25 MS. BROADDUS: Object to form, foundation.</p>
<p style="text-align: right;">399</p> <p>1 THE WITNESS: Yeah, I seen -- I -- when I got 2 brought around, because they had me standing right there, 3 finally, because finally he gave me my glasses, but I saw 4 them pull his pants down and tase him. Like, and that's -- 5 just as I -- when I came around the car, I was standing at 6 the back of the other car.</p> <p>7 BY MR. POPOLIZIO:</p> <p>8 Q. And, and when you say you saw this, did you see 9 your husband's testicles?</p> <p>10 A. No. I just saw his bare butt.</p> <p>11 Q. Did you see his anus?</p> <p>12 A. His butt hole?</p> <p>13 Q. Yes.</p> <p>14 A. No.</p> <p>15 Q. Did you see the space between his testicles and 16 his anus?</p> <p>17 A. I did not, no.</p> <p>18 Q. Okay. Did --</p> <p>19 A. But like --</p> <p>20 Q. I got to ask you this. Did you see his penis?</p> <p>21 A. No, because it was flat down on the ground.</p> <p>22 Q. Okay.</p> <p>23 So all you saw, what you're saying is, you saw his 24 butt?</p> <p>25 A. Pants. I saw his pants down, yes.</p>	<p style="text-align: right;">400</p> <p>1 Q. Okay.</p> <p>2 MR. POPOLIZIO: Let's play the video. You can 3 play at normal speed.</p> <p>4 (Video played.)</p> <p>5 MR. POPOLIZIO: Go ahead, what did you say?</p> <p>6 THE WITNESS: I said that's the cop. That -- I 7 thought it was when I was coming out of the car, but I knew 8 that I had got snagged. See, I don't even remember being in 9 that corner at all like that, so. . .</p> <p>10 BY MR. POPOLIZIO:</p> <p>11 Q. We stopped the video at 5:03.</p> <p>12 A. Correct.</p> <p>13 Q. Okay?</p> <p>14 And when you watched this, you saw you were on the 15 other side of the car; right?</p> <p>16 A. Yeah.</p> <p>17 Q. And your husband is on the ground here --</p> <p>18 A. Correct.</p> <p>19 Q. -- right?</p> <p>20 A. Yes.</p> <p>21 MR. POPOLIZIO: Start the video again. Play a few 22 seconds. I will tell you when to stop.</p> <p>23 (Video played.)</p> <p>24 MR. POPOLIZIO: Stop.</p> <p>25 Could we move back, Julie, to where we could see</p>

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1 right?

2 A. Correct.

3 Q. When you were coming out, did you see a lot of

4 police officers?

5 A. Yes.

6 Q. Did you see SWAT?

7 A. Yes.

8 Q. Do you remember how many vehicles you saw?

9 A. When I stepped out, there was probably about --

10 right then there was probably about four of them maybe right

11 then.

12 SWAT was pulling up.

13 Q. Okay. And you saw a vehicle that said SWAT or

14 something?

15 A. Yeah, it was one of them big, old like armored

16 truck looking things.

17 Q. And you were -- did you have to get your kids out

18 of the house?

19 A. The -- the cop let my mom go in and get the rest

20 of the kids from upstairs.

21 Q. And where were you when your mom went back into

22 the house to get the kids?

23 A. Outside.

24 Q. And when you said to get -- your mom went in to

25 get the kids, Pursuant to [Doc. 114], Defendants Intend On Filing This Portion Under Seal.

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1 A. Yes.

2 Q. And were they sleeping?

3 A. Yes.

4 Q. About what time did this occur?

5 A. This was probably about 11:00 or midnight, I

6 think.

7 Q. Okay.

8 And so you were outside. Where were you when your

9 mom went back into the house to get the kids?

10 A. Outside with my dad.

11 Q. Whereabouts?

12 A. At my mom's car in the driveway.

13 Q. Okay. And then the kids came out?

14 A. Yes.

15 Q. And then what did you guys do?

16 A. Then they made us -- after everyone came out, they

17 made us move away from the front of the house towards the

18 end of the driveway.

19 Q. Okay.

20 A. And then that's where we all gathered and sat

21 down.

22 Q. At the end of your driveway?

23 A. Yes.

24 Q. While SWAT was there?

25 A. Yes.

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1 Q. And the kids were there?

2 A. Yes.

3 Q. Did you hear SWAT calling any -- calling out any

4 commands to Joseph O'Connor?

5 A. Yeah. We -- I heard him -- I heard them saying,

6 Joe, come out Joe, or whatever you guys say.

7 Q. And the kids were there too with you?

8 A. Yes.

9 Q. And they were there while SWAT was giving these

10 commands?

11 A. Yes.

12 Q. And were you there with the kids when windows were

13 broken out of the home?

14 A. None of us were right there. We were all down the

15 street at the end of the block.

16 Q. So at some point you moved?

17 A. Yes. They moved us, yes.

18 Q. Okay.

19 But you were there enough to hear commands from

20 police for Joseph O'Connor to come out?

21 A. Yes.

22 Q. Okay.

23 And your kids were with you -- right with you when

24 you heard that; right?

25 A. Correct.

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1 Q. Okay.

2 And then you moved down the street?

3 A. Right.

Pursuant to [Doc. 114], Defendants Intend On Filing This Portion Under Seal.

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<p style="text-align: right;">413</p> <p>Pursuant to [Doc. 114], Defendants Intend On Filing This Portion Under Seal.</p> <p>[REDACTED]</p> <p>5 Q. Is it pretty traumatic for the kids that their 6 uncle was arrested for murder that night? 7 A. They didn't know what -- 8 MS. BROADDUS: Object to form. 9 THE WITNESS: They didn't know what it was for at 10 that time. 11 BY MR. POPOLIZIO: 12 Q. Okay. But they knew he was arrested; right? 13 A. Correct. 14 Q. They knew that SWAT was there -- 15 A. Yes. 16 Q. -- right? 17 I mean, would you agree with me it would be pretty 18 scary for a kid to have that occur and, you know, and the 19 uncle to be the subject of the arrest? 20 MS. BROADDUS: Object to form. 21 THE WITNESS: Yeah. But, yeah, but they didn't 22 see any of that, of the uncle getting, you know, all they 23 heard was, again, the cops being belligerent. 24 BY MR. POPOLIZIO: 25 Q. But they show the -- they heard the show of force?</p>	<p style="text-align: right;">414</p> <p>1 A. Yes. 2 Q. And you're saying the cops were belligerent; 3 right? 4 A. Yes. 5 Q. But they were also after a murder suspect; 6 correct? 7 A. Well, they were belligerent with us. They weren't 8 telling us what it was for or anything. So at this point in 9 time we weren't aware of what they were even there for. 10 Q. Okay. 11 A. So we didn't know that it was a murder suspect at 12 that point, you know what I mean, so they were belligerent 13 to us for nothing at that point. 14 Q. Well -- 15 A. I mean, to us at that point is what I'm saying. 16 Q. Sure. 17 But would you, would you agree that they probably 18 needed to move your kids out as quickly as possible? 19 A. Well, well, yes. 20 Q. Okay. 21 So, did you speak with your kids about their 22 speaking with CPS, what they spoke about with CPS after that 23 Joseph O'Connor incident? 24 A. Yes. 25 Q. Okay. And what did they tell you? Did they tell</p>
<p style="text-align: right;">415</p> <p>1 you anything? 2 A. They said that CPS came to them, lied to them, 3 told them that they were there to help give them some beds. 4 And then, and then they brought up they said to them, so I 5 heard something happened over the weekend, and then they 6 were seeing what kid, you know, basically would feed or, you 7 know, hook the line. And then after that my kids refused to 8 talk to them. 9 Q. Were -- were you -- was the household itself, your 10 mom's house, in need of beds to accommodate everybody who 11 was living there? 12 A. Well, we'd had beds, bunk beds and stuff, but it's 13 just they thought with that many kids, you know, I mean, we 14 needed more beds. But really all the kids had somewhere to 15 sleep. 16 Q. Okay. Did each kid have a bed? 17 A. Yeah. 18 Q. Okay. 19 So there was another time when CPS spoke with your 20 kids; right? 21 A. Yes. 22 Q. And was that when you were pregnant with Acari? 23 A. Yes, after I had Acari. 24 Q. After you had Acari? 25 A. Yes.</p>	<p style="text-align: right;">416</p> <p>1 Q. Okay. 2 And did CPS come to speak with your kids 3 because -- well, let me ask you, let me backtrack there. 4 Was it when you were pregnant with Acari or when 5 you had Acari? 6 A. After -- it was when I had him. 7 Q. Okay. 8 Do you know why CPS came to speak with your kids 9 then? 10 MS. BROADDUS: Object to form. 11 THE WITNESS: Yes. 12 BY MR. POPOLIZIO: 13 Q. Why is that? 14 A. Because I had methamphetamines in my system and 15 the baby was exposed to methamphetamines also. 16 Q. Okay. You had methamphetamine in your system. 17 And that was detected how? 18 A. Through a blood or urine, or I'm not -- however 19 the doctors do it. 20 Q. Okay. So did you visit your OBG -- OB/GYN? 21 A. Regularly? 22 Q. Yeah. 23 A. Yes. 24 Q. And you had blood taken? 25 A. Yeah.</p>

Anya Chapman

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<p style="text-align: right;">425</p> <p>1 BY MR. POPOLIZIO:</p> <p>2 Q. Because he said something to that effect to</p> <p>3 Officer Spiwak on video?</p> <p>4 A. Correct. Which he says that -- I mean, and these</p> <p>5 are his words. He's the one that said that that cop is</p> <p>6 lying, that he never that. So I don't know.</p> <p>7 Q. I know. But I don't have time right now. But the</p> <p>8 video of your son, if he said that, would indicate</p> <p>9 whether --</p> <p>10 A. But -- right.</p> <p>11 Q. -- he actually said that --</p> <p>12 A. I never seen it. But, yes, you're correct.</p> <p>13 Q. Last couple of questions.</p> <p>14 Number one, when you were at the scene here at</p> <p>15 Motel 6 --</p> <p>16 A. Yes.</p> <p>17 Q. -- did you ever see anybody point a gun to your</p> <p>18 husband's head?</p> <p>19 MS. BROADDUS: Object to form.</p> <p>20 THE WITNESS: It sure -- it looked like a gun,</p> <p>21 that's for sure, right to his head.</p> <p>22 BY MR. POPOLIZIO:</p> <p>23 Q. Where?</p> <p>24 A. Right on the top right here like this.</p> <p>25 Q. When?</p>	<p style="text-align: right;">426</p> <p>1 A. Some -- I mean, it could not have even been a gun.</p> <p>2 I mean, I don't know. But from -- you know, like I say, I'm</p> <p>3 kind of blind, so but from what we saw, or from what I saw</p> <p>4 and from what the boys think that they saw, it looked like</p> <p>5 he -- he had a taser and then he had the other gun like.</p> <p>6 Q. In the car or -- when your husband was in the car</p> <p>7 or out of the car?</p> <p>8 A. Like, in -- as they were like in between.</p> <p>9 Q. In --</p> <p>10 A. Coming out, you know.</p> <p>11 Q. But you can't -- but you can't say that you saw an</p> <p>12 actual firearm, a gun that shoots bullet, put to your</p> <p>13 husband's head?</p> <p>14 A. No, not that I recall.</p> <p>15 Q. Okay.</p> <p>16 And your husband has written -- do you know if</p> <p>17 your husband has written your sons? Did I ask you that?</p> <p>18 A. I'm not -- yeah.</p> <p>19 Q. From jail?</p> <p>20 A. I wasn't sure if he has or not.</p> <p>21 Q. Okay.</p> <p>22 A. As far as I know, he hasn't wrote anybody.</p> <p>23 MR. POPOLIZIO: Okay.</p> <p>24 She'll read and sign?</p> <p>25 MS. BROADDUS: Yup, we'll read and sign.</p>
<p style="text-align: right;">427</p> <p>1 MR. POPOLIZIO: Thank you. Thank you. Long day.</p> <p>2 THE VIDEOGRAPHER: This concludes today's</p> <p>3 deposition.</p> <p>4 Off the record at 6:21.</p> <p>5 (Whereupon, the deposition concluded.)</p> <p>6</p> <p>7</p> <p>8</p> <p style="text-align: center;">_____ ANYA CHAPMAN</p> <p>9</p> <p>10</p> <p>11 * * * * *</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">428</p> <p>1 STATE OF ARIZONA)</p> <p>2) SS</p> <p>3 COUNTY OF MARICOPA)</p> <p>4 C E R T I F I C A T E</p> <p>5 BE IT KNOWN that the foregoing proceedings were taken</p> <p>6 before me; that the witness before testifying was duly</p> <p>7 sworn by me to testify to the whole truth; that the 427</p> <p>8 foregoing pages are a full, true and accurate record of the</p> <p>9 proceedings, all done to the best of my skill and ability;</p> <p>10 that the proceedings were taken down by me in shorthand and</p> <p>11 thereafter reduced to print under my direction.</p> <p>12 I CERTIFY that I am in no way related to any of the</p> <p>13 parties hereto nor am I in any way interested in the</p> <p>14 outcome hereof.</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>[x] Review and signature was requested. [] Review and signature was waived. [] Review and signature not required.</p> <p>I CERTIFY that I have complied with the ethical obligations set forth in ACJA 7-206. Dated this 25th day of January, 2021, Chandler, Arizona.</p> <p style="text-align: center;">_____ C. Martin Herder, CSR, CCR Certified Reporter Arizona CCR No. 50162</p> <p>It is FURTHER CERTIFIED that Herder & Associates, Registered Reporting Firm, has complied with the ethical obligations set forth in ACJA 7-206.</p> <p style="text-align: center;">_____ Registered Reporting Firm Arizona RRF No. R1145</p>

EXHIBIT 9

***Non-Electronic
Exhibit - CD
and Filed
Under Seal***

EXHIBIT 10

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1 would say four to six times, maybe. But you would have to
2 ask professional standards. They're the ones that
3 actually put on the board.

4 Q. I'm going to have you -- we've got this big
5 notebook in front of you. I'm going to have you go to
6 Exhibit 6, please.

7 A. Yes, ma'am.

8 Q. I'm glad you brought your glasses.

9 A. Yes, ma'am.

10 Q. Exhibit 6, at the top of the page it says,
11 "Glendale Police Department General Order." And
12 underneath that it says, "Response to resistance."

13 Do you see that?

14 A. Yes, ma'am.

15 Q. This one has a date issued, date and -- revision
16 date. And the revision date is -- looks like it's
17 February 7th of 2017. Do you see that?

18 A. Yes, ma'am.

19 Q. You've mentioned that this has been revised
20 recently, correct?

21 A. Yes, ma'am.

22 Q. Do you recall if that revision recently would
23 have been the only other revision since February of 2017?

24 A. I don't recall, ma'am.

25 Q. Do you recall revisions before February of 2017?

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1 A. I'm sure we had revisions before then, yes,
2 ma'am.

3 Q. My understanding is this is Glendale's response
4 to resistance policies; is that correct?

5 A. Yes, ma'am.

6 Q. Are there any other written policies or
7 procedures for use of force or response to resistance
8 other than this particular document that's been marked as
9 Exhibit 6?

10 MR. POPOLIZIO: Form.

11 THE WITNESS: Our policies are like 1600
12 pages. I'm sure if you go through those, there's stuff
13 that would reference to force or response used by officers
14 in other areas, firearms for one.

15 BY MS. BROADDUS:

16 Q. Do you know if there's another specific one for
17 Taser use outside of this report?

18 A. I believe --

19 MR. POPOLIZIO: Form.

20 THE WITNESS: I believe that the Taser is in
21 this part of the response to resistance policy, but I have
22 to look.

23 BY MS. BROADDUS:

24 Q. And just because I know what you're pointing to,
25 you're pointing to Exhibit 6; is that correct?

55

1 A. Correct, Exhibit 6.

2 Q. Okay. And when I read it later I want to make
3 sure I understand. Okay?

4 A. Yes, ma'am.

5 Q. Would you expect a reasonable officer to try --
6 that they try to comply with what the response to
7 resistance general order states?

8 MR. POPOLIZIO: Form; foundation.

9 THE WITNESS: Yes.

10 BY MS. BROADDUS:

11 Q. Do officers have discretion as to whether or not
12 they're going to follow the policies and procedures set
13 forth in the response to resistance?

14 MR. POPOLIZIO: Form; foundation.

15 THE WITNESS: They have discussion within
16 the policy, but not outside of the policy, ma'am.

17 BY MS. BROADDUS:

18 Q. So the policy -- for example, for passive
19 resistance there's different types of force that may be
20 used, correct?

21 A. Yes, ma'am.

22 Q. An officer would have discretion to use those
23 specific types of force, correct?

24 A. Yes, ma'am.

25 Q. They don't have discretion to just use any force.

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1 The discretion is limited to what the policy allows,
2 correct?

3 A. Yes, ma'am.

4 Q. When you're doing training of officers, do you go
5 through the policies and procedures with them on an annual
6 basis?

7 A. It's 1600 pages, ma'am. That would be no.

8 Q. Well, I'm talking about response to resistance
9 only.

10 A. We would go through part of the policy, yes,
11 ma'am.

12 Q. Do you know if there's any training that's
13 provided regarding deescalation tactics?

14 A. Yes, ma'am.

15 Q. Are there any written policies and procedures
16 within the Glendale Police Department that you're aware of
17 that addresses deescalation tactics?

18 A. I don't know if I've ever read in policy
19 deescalation. It could be in there. Again, it's 1600
20 pages. It's commonsense deescalation and we do train
21 deescalation.

22 Q. Deescalation is part of the training that's
23 provided. Is that provided annually or --

24 A. It's part of -- we do a lot of scenario-type
25 training, and in the scenario-type training we have --

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A. I have not, no, ma'am.

Q. Recently you've been disclosed by the City of Glendale in this case as a witness. And other than what we've talked about, do you have any independent knowledge of the incident that occurred on July 26th of 2017?

MR. POPOLIZIO: Form.

THE WITNESS: You mean outside of the videos that I have and everything?

BY MS. BROADDUS:

Q. Yes.

A. No, ma'am.

Q. Part of your investigation indicates that your report may be based on meetings or conversations, memorandum and interviews.

Other than what you've already testified to, are you aware of any other meetings or conversations or memoranda that you prepared or that you reviewed to prepare your report?

MR. POPOLIZIO: Form.

THE WITNESS: This report was prepared off of the day that Sergeant Moody and Sergeant Johnson came in and talked to me and three videos. Never -- never -- this report was authored prior to my discussions back with Sergeant Moody or with Assistant Chief Briggs or with Chief St. John at the time. This report was already

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authored, or this -- it's not a report, ma'am. This is a memo. This memo was already authored.

BY MS. BROADDUS:

Q. Earlier we had talked about training. You still have Exhibit 6 in front of you, which is the policies and procedures for response to resistance.

When you are training officers on response to resistance, do you rely on any other Glendale policies and procedures with regard to just training on response to resistance?

A. Yes, ma'am.

Q. What other materials?

A. That would depend on the training that we're doing.

Q. And I apologize if I've already asked you this. Do you do training for law of arrest or vehicle stops?

MR. POPOLIZIO: Form.

THE WITNESS: You're getting specific in an area that I want to try to explain this to you. Do I -- have I done training on how to do a traffic stop? Yes. Have we done training on how to handcuff a subject and take them into custody? Yes. Double-locking the cuffs. Maybe how to do what we call a sport technique or something along those lines. We do that training. But do I have a classroom course that we talk about laws of

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arrest, that we talk about -- what was the other one, ma'am? I'm sorry.

MS. BROADDUS: Vehicle stops.

THE WITNESS: Vehicle stops, no. My training is all hands-on training, not classroom training. BY MS. BROADDUS:

Q. Do you know if there is classroom training on those topics?

A. Yes. Yes, but not outside of the academy, that I'm aware of, that we've done for some time.

Q. When you're doing your training of officers, do you ever refer to Glendale's policies and procedures for laws of arrest or vehicle stops?

A. I think we talked about this already. I don't bring the laws of arrest policy up like I would the response to resistance in my training. Do we have scenarios in which we have them go through the arrest application? Yes.

Q. Just briefly earlier we talked about passive resistance just as in the form of an example. And my understanding, that is one type of resistance; is that correct?

A. Yes, ma'am.

Q. What are the other types of resistance?

A. So I don't make a mistake, may I look in this

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book?

Q. Sure. And by the way, the bottom number on this page -- of each page, if you look on the first page there's a number that says 427. If you want to go to page 460 -- I'm sorry -- 450. My glasses aren't very good. I think I need new ones.

A. Yes, ma'am.

Q. So we're looking at Exhibit 6. We are at the page that's Bates numbered 450 at the bottom, and it appears to be a chart that begins on that page and it goes into the next page and partially into the following page after that. Do you see that?

A. Yes, ma'am.

Q. In this chart it has different types of resistance. Is this what you would rely on to determine the different types of resistance that a suspect would engage in?

MR. POPOLIZIO: Form.

BY MS. BROADDUS:

Q. Or could engage in?

MR. POPOLIZIO: Form.

THE WITNESS: It is the resistance addressed by the suspect, and then the force that may be applied by the officer, yes, ma'am.

///

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1 **A. If I -- I'm going to paraphrase. It sounds like**
2 **he apologized.**

3 Q. Okay. And in your report that you have, and you
4 have that in front of you, which is Exhibit 41, in the
5 second paragraph on that page --

6 **A. Yes, ma'am.**

7 Q. -- it starts at 14:33. Do you see that?

8 **A. Yes, ma'am.**

9 Q. What do you base that number, 14:33, on?

10 **A. The time of day.**

11 Q. So did you get that off this video?

12 **A. There should be a time or date stamp somewhere on**
13 **that. Yes, ma'am. There it is. 14:32 is what you have**
14 **up there right now.**

15 Q. So yours is just military time, and you're
16 looking at the upper right -- just to the left of that
17 yellow triangle where it says T 20:32:44; is that correct?

18 **A. The AXON symbol? What you're calling the yellow**
19 **triangle?**

20 Q. Yes.

21 **A. Yes.**

22 Q. So I'll start the video again. We're at 1:44.

23 (Video played.)

24 BY MS. BROADDUS:

25 Q. I'm stopping now at the 2:08 point, and you heard

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1 an exchange between Officer Schneider and the front-seat
2 passenger who is Mr. Wheatcroft. I presume you now know
3 that, but I'm just clarifying that. Okay?

4 **A. Yes, ma'am.**

5 Q. During that exchange you heard Officer Schneider
6 request an identification, correct?

7 **A. Yes, ma'am.**

8 Q. And the passenger did not want to provide his ID,
9 correct?

10 **A. Yes, ma'am.**

11 Q. And so far would you agree that you are unaware
12 of any circumstance that would require the passenger to
13 provide ID at this point?

14 **A. At this point I don't know why he would have to**
15 **provide it, no, ma'am.**

16 Q. And just because he's a passenger of a vehicle,
17 that's not reason alone for a passenger to be required to
18 provide ID, correct?

19 MR. POPOLIZIO: Form; foundation.

20 THE WITNESS: Not for what I know on this
21 traffic stop, no, ma'am.

22 (Video played.)

23 BY MS. BROADDUS:

24 Q. I'm stopping here at 2:13, and we're continuing
25 on from where we left off. And what we've heard so far is

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1 Officer Schneider asked him not to reach for anything. He
2 apologized, said okay. And then he asked -- Officer
3 Schneider asked for identification. The gentleman said --
4 asked why he needed to provide it.

5 And at this point you're going to be seeing
6 Officer Schneider -- what's happening is you just heard a
7 click, which I presume is the door handle, but we'll know
8 in a second when we move on, but he's going to be opening
9 up the door.

10 At this point have you seen anything that
11 the front-seat passenger has done that would be considered
12 reasonable grounds to think he's committed a crime?

13 MR. POPOLIZIO: Form; foundation.

14 BY MS. BROADDUS:

15 Q. That you've seen.

16 **A. No, ma'am.**

17 Q. I'm going to continue to play. We're at the 2:13
18 point.

19 (Video played.)

20 BY MS. BROADDUS:

21 Q. So I'm stopping at the 2:25 mark. And there you
22 saw Officer Schneider open up the door, correct?

23 **A. Yes, ma'am.**

24 Q. And then he asked the passenger not to put
25 anything in the seats, correct?

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1 **A. Correct.**

2 **Q. And as far as you could see, you didn't see the**
3 **individual stuff anything in the seats. You're just**
4 **relying on what Officer Schneider is saying, correct?**

5 **A. Yeah. The angle of the camera doesn't provide**
6 **everything that Officer Schneider is seeing. I'm just**
7 **working off of what his verbiage is, and Officer Schneider**
8 **tells him to quit stuffing something into the seat and**
9 **then again tells him one more time, quit putting something**
10 **in the seat.**

11 Q. All right. At this point you also see in the
12 lower left-hand corner where Officer Schneider has his
13 hands on the passenger, correct?

14 **A. Yes, he does.**

15 Q. So far we've confirmed that the individual in the
16 car has not done anything that would indicate that there's
17 reasonable suspicion that he's engaged in any crime,
18 correct?

19 MR. POPOLIZIO: Form; foundation.

20 **THE WITNESS: I don't have probable cause.**
21 **Could there be reasonable suspicion of an odor of**
22 **something that Officer Schneider saw?**

23 **This is a high-crime area. Him stuffing**
24 **stuff between the seat, his experience could be pushing**
25 **him that he was stuffing a weapon in there or he was**

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1 stuffing drugs. That's very common in our line of work to
2 see people putting stuff between the seats or underneath
3 the seat to try to hide it from our physical view.

4 Again, I can't tell everything that Officer
5 Schneider's doing, so it's not unreasonable for an officer
6 to think that there's something suspicious going on in
7 this car.

8 BY MS. BROADDUS:

9 Q. At this point you can see both the gentleman's --
10 the passenger's -- both of his hands, correct?

11 A. At this point in time, yes, ma'am.

12 Q. You can see there's something in his left hand.
13 You can't really tell what it is from this particular
14 frame. Is that a fair statement?

15 A. I'm pretty sure it was money from what I saw
16 earlier.

17 Q. I believe you're correct. It's kind of fuzzy in
18 this freeze frame, right?

19 A. In this freeze frame I couldn't tell you what it
20 is, no, ma'am.

21 Q. So I'm going to continue on. At this point we're
22 at the 2:25 mark.

23 By the way, just let me ask you, up until
24 this point has the passenger been compliant?

25 A. Reasonably. I would say yes.

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1 (Video played.)

2 BY MS. BROADDUS:

3 Q. At this point we're stopping at the 2:29 mark,
4 and you see Officer Schneider take out his Taser. He
5 still has his left hand on the passenger's arm, but you
6 see him put the Taser on him.

7 And you just testified earlier that you did
8 not see anything to indicate that the passenger was
9 noncompliant or reasonably noncompliant at that point,
10 correct?

11 MR. POPOLIZIO: Form.

12 THE WITNESS: What I said, I didn't see
13 anything that he was doing, but I don't know what Officer
14 Schneider is seeing at this point in time. His words is
15 he's not being compliant. He's, you know, arguing back
16 about the ID thing.

17 BY MS. BROADDUS:

18 Q. Which we understand that he did not need to
19 provide, correct?

20 A. Correct.

21 Q. So at this point would you consider this to be a
22 threatened use of a Taser?

23 A. Correct.

24 Q. And this would fall under -- which level of
25 resistance would authorize the officer to use a passive

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1 level of resistance at this point?

2 A. I feel that he was in verbal noncompliance for
3 what was being said. Because there's other things that
4 were being said between the two of them. Officer
5 Schneider could be taking what he's saying as verbal
6 noncompliance.

7 Q. But so far he's listened to everything the
8 officer said. Don't reach in the bag. He apologized,
9 said okay.

10 A. But he reached in again, ma'am. He reached in
11 again. That's why Officer Schneider said it again. To
12 me, that's verbal noncompliance.

13 Q. Well, he only said that once, from what I heard.

14 A. He says it twice. He said, quit reaching between
15 the seats.

16 Q. Oh, that's -- I was going to get to that. So
17 once he said he was reaching into his bag, the passenger
18 said, okay. And then at the next point he says, hey,
19 don't stuff anything down in the seat. Is that what
20 you're referring to?

21 A. Correct. To me, that's one of the -- he's
22 reaching in the areas that are confined, and I would not
23 want somebody to be doing that.

24 Q. So at one point Officer Schneider says, don't
25 reach in the bag. We don't see in the video where he

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1 reaches into another bag, correct?

2 A. I've never seen him reach into a bag, if I
3 remember, going through this video, ma'am.

4 Q. Fair statement. And then he asked him not to
5 stuff anything in the seats. And then since that time we
6 have not seen anything in the video to show that he's been
7 stuffing anything in the seats since that point, correct?

8 MR. POPOLIZIO: Form.

9 THE WITNESS: I couldn't see his hands
10 almost most of the time on the video. When Officer
11 Schneider was saying that, I couldn't see his hands. I'm
12 going off what Officer Schneider is saying of his
13 observations.

14 BY MS. BROADDUS:

15 Q. So at this point we're at the 2:29 mark and we're
16 going to continue to play.

17 A. Yes, ma'am.

18 (Video played.)

19 BY MS. BROADDUS:

20 Q. I'm stopping at the 2:54 point now. And at this
21 point you've seen Officer Schneider at this point, now
22 he's just reholstering his Taser, correct?

23 A. Correct.

24 Q. And would you consider that a deescalation
25 tactic?

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1 **A. Yes, ma'am.**

2 Q. During that exchange he said that he didn't want
3 the suspect, Mr. Wheatcroft, to fight, correct?

4 **A. I think he asked Mr. Wheatfield (sic) if he was
5 going to fight.**

6 Q. And he said he wasn't going to, correct?

7 **A. Mr. Wheatfield (sic)?**

8 Q. Wheatcroft.

9 **A. Oh, I'm sorry.**

10 **I believe that's what he said. We'd have to
11 play it back for me to tell you exactly, but I believe
12 that's what he said.**

13 Q. At this point we're going to go forward from the
14 2:54 point.

15 (Video played.)

16 BY MS. BROADDUS:

17 Q. Stopping at the 3:03 point, and at this time you
18 saw from Officer Schneider, once he reholstered his Taser,
19 he then takes Johnny's arm and turns into a particular
20 maneuver, correct?

21 **A. Is Johnny Mr. Wheatfield (sic)?**

22 Q. Yes.

23 **A. Wheatcroft?**

24 Q. Wheatcroft, yes.

25 **A. He did grab ahold of Mr. Wheatcroft's right**

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1 **wrist, and he still had like a C-clamp on his right elbow.**

2 Q. At this point you still haven't seen anything
3 that Mr. Wheatcroft has done that would indicate to you
4 that he is engaged in any -- or that there's any
5 reasonable suspicion that he's engaged in any crime,
6 correct?

7 MR. POPOLIZIO: Form.

8 **THE WITNESS: I would -- there's some
9 reasonable suspicion going on because he keeps pushing
10 between the seats. There's no probable cause at this
11 point in time, but there's reasonable suspicion that
12 something's going on by what Officer Schneider is saying.
13 Not by what I'm seeing, because I've never seen -- I've
14 looked at this video so many times. I can't ever recall
15 seeing him in between the seats or anything because the
16 video doesn't show everything.**

17 But going off of what Officer Schneider is
18 saying, for me, at 30 years, if somebody's stuffing
19 something between the seats, and I tell them not to and
20 they continue to do it, for me there's a reasonable
21 suspicion to believe there is something going on in that
22 car.

23 BY MS. BROADDUS:

24 Q. And so you hear Officer Schneider saying, hey,
25 don't stuff anything in the seats. And you hear

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1 Mr. Wheatcroft, the front-seat passenger, saying he
2 wasn't. Did you hear that?

3 **A. I heard him apologize the first time for reaching
4 in, yeah. Then I heard him -- yes. I believe when he
5 said about the stuffing the seat, yeah, he looks up and
6 says, I wasn't, uh-huh.**

7 Q. So at this point you're taking the officer's word
8 over what the individual is saying, correct?

9 **A. That would be correct. Most people, when they're
10 stuffing drugs or something or going in between the seats,
11 are not going to tell you that they're doing that. Yes,
12 I'm taking the officer's word.**

13 Q. I'm going to continue on from the 3:03 point.

14 **A. Yes, ma'am.**

15 (Video played.)

16 BY MS. BROADDUS:

17 Q. Stopping at the 3:24 point, and at that point
18 you've seen where Mr. Wheatcroft is in the vehicle,
19 Officer Schneider asked him not to do a few things. He
20 said he wasn't doing them or he apologized for doing them,
21 and then you saw Officer Schneider threaten a Taser, put
22 his Taser back in, and then put Johnny in an arm bar,
23 correct?

24 MR. POPOLIZIO: Form.

25 THE WITNESS: He never put him in an arm

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1 bar.

2 BY MS. BROADDUS:

3 Q. I'm sorry. What is that maneuver called where he
4 takes his arm and twists it?

5 **A. That -- what he had him in was a no maneuver.
6 What he did was grab onto his wrist and had a C-clamp on
7 his elbow. We don't train this. This is just -- it's a
8 grab. That's not -- that's not an OCCS hold, O'Donnell
9 continuous control system hold. He's got ahold of him,
10 but he didn't put him in any wrist lock, any pain
11 compliance at all. He just had his wrist in one hand and
12 his elbow with like a C-clamp, which is more of an escort
13 after you have somebody in cuffs.**

14 Q. And then he's pushing his head with his other
15 hand, correct?

16 **A. You'd have to back that up. I'd have to look at
17 that again, ma'am.**

18 Q. Sure.

19 (Video played.)

20 BY MS. BROADDUS:

21 Q. At that point did you see where he pushed his
22 head forward?

23 **A. I saw where his touched his head. I don't know
24 if he pushed it. It was very short and quick, ma'am, but
25 he did have his hand on his head.**

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1 Q. So at this point -- and this is when the first
2 tase begins, correct, from what you've seen?
3 **A. Officer Lindsey's tasing?**
4 Q. Yes.
5 **A. Yes, ma'am.**
6 Q. Up to this point you've indicated that Johnny was
7 compliant with what you had heard?
8 MR. POPOLIZIO: Form.
9 BY MS. BROADDUS:
10 Q. In terms of what Officer Schneider asked him to
11 do.
12 What could Mr. Wheatcroft have done
13 differently to avoid being in the situation where he's
14 being tased now?
15 MR. POPOLIZIO: Form; foundation.
16 THE WITNESS: He could have provided his
17 name. He could have provided an ID to the officer.
18 BY MS. BROADDUS:
19 Q. Anything else?
20 **A. He could have cooperated with the officer. As**
21 **the officer was grabbing ahold of him, he could have**
22 **just -- whatever the officer is asking him to do, do what**
23 **the officer said.**
24 Q. I'd like to look at your report. In the first
25 paragraph it says -- at 14:33 you talk about Officer

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1 Schneider removing his Taser. And then the second
2 sentence goes on to say that the suspect's actions and
3 words could be interpreted as noncompliant.
4 Do you see that?
5 **A. I do.**
6 Q. Is that before or after he was Tased?
7 **A. That was before, ma'am.**
8 Q. And as we sit here today, you're saying that his
9 actions of either reaching in the bag or putting something
10 in between the seats and then the officer telling him not
11 to and then him not providing his ID, is that what you
12 consider to be noncompliant?
13 MR. POPOLIZIO: Form.
14 THE WITNESS: I would consider Officer
15 Schneider told him one time not to reach in, he does it
16 again, to heighten awareness on this situation for Officer
17 Schneider to want to detain him at this point in time.
18 BY MS. BROADDUS:
19 Q. So Officer Schneider asked him not to reach into
20 his bag?
21 **A. Correct.**
22 Q. And then he asked him not to stuff something in
23 the seat, correct?
24 **A. He told him to stop stuffing something in the**
25 **seat, yeah.**

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1 Q. Correct. So he never reached into his bag again.
2 You never heard Officer Schneider say that again, correct?
3 **A. I don't remember him saying that again.**
4 Q. In your report in the third paragraph down, it
5 starts at 13 -- I'm sorry -- 14:34 hours, "Officer
6 Schneider was attempting to place the male suspect into
7 custody. The video clearly shows the male suspect
8 resisting Officer Schneider."
9 Have we gotten to that point yet in the
10 video?
11 **A. Yes, ma'am. We're probably a little bit past it**
12 **right here.**
13 Q. At what point is the suspect -- did you believe
14 that he began clearly showing that he was resisting?
15 **A. Go ahead and back it up, please.**
16 Q. Sure.
17 (Video played.)
18 BY MS. BROADDUS:
19 Q. I'm stopping at the 2:48 point where you see --
20 this is where the threatened use of the Taser. Do I need
21 to go back further?
22 **A. No, ma'am.**
23 Q. So we'll start going forward from the 2:48 point.
24 (Video played.)
25 THE WITNESS: Right there.

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1 BY MS. BROADDUS:
2 Q. So at that point -- we're at the 3:01 point and
3 you said, "Right there." What did you see in the video
4 that indicated to you that the suspect was clearly
5 resisting?
6 **A. There's two things. One, he's pulling away a**
7 **little bit from the officer because you can see the hand**
8 **move. He's complaining about pain, and there's absolutely**
9 **no pain compliance being put on him at this point in time.**
10 **He starts going "ow, ow, ow" when there's nothing there**
11 **that causes pain, unless he's got a broken arm or a broken**
12 **wrist, which I don't know.**
13 Q. But that could be -- he could be in actual pain.
14 You just don't know?
15 **A. Yeah, I wasn't there to see what -- the feel of**
16 **the grip. I wasn't there to feel his wrist or his elbow.**
17 **But looking at this, I don't see where he would be in**
18 **pain.**
19 Q. And you said you thought he was pulling away; is
20 that correct?
21 **A. Yeah. Go ahead and back up just a little bit.**
22 Q. We're at -- starting again at the 2:43 point.
23 (Video played.)
24 THE WITNESS: Right there.
25 ///

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1 BY MS. BROADDUS:
 2 Q. So you see his elbow drop a little, correct? Is
 3 that what you're seeing?
 4 A. Right. He's pulling somewhere, yeah.
 5 Q. And you're assuming that he's pulling because his
 6 elbow dropped; is that correct?
 7 A. Pulling or pushing, yes, ma'am.
 8 Q. And you don't know whether that was Officer
 9 Schneider pulling or pushing his elbow, true?
 10 A. It did not appear to be that was officer -- if
 11 you back it up, it doesn't seem at that point in time he
 12 had control of his elbow when he went back down. That's
 13 my observation.
 14 Q. So at this point you have a vehicle that's been
 15 stopped.
 16 A. Yes, ma'am.
 17 Q. And the passenger in the vehicle is not required
 18 to show identification, correct?
 19 A. Yes, ma'am.
 20 Q. Officer Schneider opens up his door and continues
 21 to have a dialogue with his passenger, correct?
 22 A. Yes, ma'am.
 23 Q. Is the passenger free to go at any time up to
 24 this point?
 25 MR. POPOLIZIO: Form.

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1 THE WITNESS: I don't know what Officer
 2 Schneider is seeing, what he's stuffing between the seats.
 3 It would have -- it would be a question you'd have to ask
 4 Officer Schneider, what he was observing at that point in
 5 time.
 6 BY MS. BROADDUS:
 7 Q. If there was no basis -- no reasonable basis to
 8 assume that any crime had been committed or was being
 9 committed, do you believe the passenger had the right to
 10 leave up until this point?
 11 MR. POPOLIZIO: Form.
 12 THE WITNESS: Are you asking me that
 13 question --
 14 MS. BROADDUS: Yes.
 15 THE WITNESS: -- if he was --
 16 He would have the right to leave.
 17 BY MS. BROADDUS:
 18 Q. We're going to continue to play.
 19 (Video played.)
 20 BY MS. BROADDUS:
 21 Q. Stopping at the 2:36 point. At this point
 22 Mr. Wheatcroft's been tased a couple of times. And you
 23 see at this point he's almost on the ground or on the
 24 ground kind of in the doorjamb area between the car and
 25 the car door. Do you see that?

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1 MR. POPOLIZIO: Form.
 2 THE WITNESS: He's been drive stunned a
 3 couple times. And, yes, he's sitting between -- I would
 4 say on the ground in the -- yeah, I would say in the hinge
 5 area of the vehicle.
 6 MS. BROADDUS: I'm going a little bit
 7 further.
 8 (Video played.)
 9 BY MS. BROADDUS:
 10 Q. I stopped at the 3:27 point. At this point you
 11 see Officer Schneider deploy a Taser at Mr. Wheatcroft,
 12 correct?
 13 A. Yes, ma'am.
 14 Q. And you see that Mr. Wheatcroft is still -- he's
 15 entangled in the seat belt. Did you see that?
 16 A. Yes, ma'am.
 17 Q. At this point what did Johnny do that would
 18 warrant him being tased at this point?
 19 A. He resisted the efforts of both officers by
 20 resisting the arrest. He -- at this point in time, the
 21 second officer is -- looks like from the video that I saw
 22 he's like knocked unconscious. So now we have an
 23 escalation of the situation that's going on.
 24 Officer Schneider is by himself at this point in time, and
 25 he's trying to gain control of the situation by detaining

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1 him.
 2 Q. At this point what Mr. Wheatcroft has done is --
 3 when you're saying he's resisting, that's when Officer
 4 Schneider had his hands on him, correct?
 5 A. On the resisting part?
 6 Q. Yes.
 7 A. When he started pulling away, yes, ma'am.
 8 Q. Why was -- what's your understanding as to why
 9 Officer Schneider was putting his hands on Mr. Wheatcroft
 10 in the first place?
 11 A. I'm assuming he was detaining him.
 12 Q. And at no point did he tell him that, did he?
 13 A. I don't recall that he did, ma'am.
 14 Q. How is a passenger in a car to know what they are
 15 to do or not to do when they are pulled over by a police
 16 officer?
 17 A. Well, I'm going to go back to common sense.
 18 Common sense is we've watched how many videos in reference
 19 to cops, right? People watch Cops, people watch movies.
 20 There's actually PSAs out there -- I know there was one in
 21 California because I heard about that -- of what to do. I
 22 think it would be common sense that people would not be
 23 reaching into objects.
 24 I have been a police officer for 30-some
 25 years. I don't like to call it a normal traffic stop or a

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1 regular traffic stop, but on a traffic stop that -- I
2 would use the word mundane -- that people do what they're
3 told to do. When you walk up to cars now, guys have
4 their -- people have their hands on their wheels just to
5 show that they're not a danger to the officer.

6 So, to me, it's common sense. Now,
7 currently I've lived in this world for 30 years too. But
8 to me it's common sense what to do and what not to do in
9 reference to a traffic stop and how to act at a traffic
10 stop.

11 Q. And that's based on your experience that you've
12 had over the last several decades of being a police
13 officer, true?

14 A. Yes, ma'am.

15 Q. So you have certain expectations as a police
16 officer as to what a person should or should not be doing
17 in a vehicle?

18 A. How they should react, yes, ma'am.

19 Q. And if Mr. Wheatcroft believed that he had not
20 been doing anything wrong, would there be any reason why
21 he could not reach into his bag to get something?

22 MR. POPOLIZIO: Form; foundation.

23 THE WITNESS: There's nothing against the
24 law reaching into a bag, however, that's not something a
25 normal person is going to do. They just don't reach into

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1 stuff. Even people going into center consoles anymore
2 will literally tell you, hey, my registration is in the
3 central console. Okay. Go ahead. Go get it. They tell
4 you they -- they tell you what they're going to do because
5 they -- how long has television been out there? They see
6 what's going on and they hear what's going on, and they're
7 trying to be helpful to the police officers.

8 BY MS. BROADDUS:

9 Q. So in a situation like this where Mr. Wheatcroft
10 did not have an obligation to not reach in his bag, he
11 could put things in between the seats, he could refuse to
12 provide his ID, are you saying that warrants the kind of
13 conduct that he's -- Officer Schneider and Officer Lindsey
14 have done so far?

15 MR. POPOLIZIO: Objection; form.

16 THE WITNESS: I think that warrants Officer
17 Schneider to be safe on the scene and to detain him at
18 that point in time.

19 BY MS. BROADDUS:

20 Q. Do you believe Officer Schneider escalated this
21 situation up to this point?

22 A. No, ma'am.

23 Q. He approached the passenger side of the vehicle,
24 correct?

25 A. Yes, ma'am.

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1 Q. And the traffic stop was, have you heard,
2 purportedly for a turn signal violation? Correct?

3 A. I've heard that, yes, ma'am.

4 Q. And that would have nothing to do with the
5 passenger, correct?

6 A. That would be correct.

7 Q. So you have Officer Schneider approaching a
8 citizen who has not engaged in any wrongful conduct,
9 threatened him with a Taser, wants his identification, and
10 then tries to pull him out of the car, correct?

11 MR. POPOLIZIO: Objection; form.

12 THE WITNESS: He did -- he did go up and ask
13 for an ID. He did approach the passenger. The passenger
14 reached into the backpack. Officer Schneider told him not
15 to. He then starts reaching -- according to what Officer
16 Schneider's saying, because again, I didn't see it --
17 between the seats. That's going to heighten Officer
18 Schneider's awareness of what's going on.

19 This area is also a very high-crime rate
20 area known for drug use, known for drug sales, known for
21 prostitution. That's going to heighten Officer
22 Schneider's awareness of what is going on in the vehicle,
23 what he can see and smell, which I couldn't see everything
24 going on nor can I smell it. Would that heighten his
25 awareness to bring him out of the vehicle and detain him?

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1 Yes.

2 BY MS. BROADDUS:

3 Q. And that's -- it's irrelevant what the passenger
4 is saying, correct?

5 MR. POPOLIZIO: Form.

6 THE WITNESS: What passenger? Mr. --

7 BY MS. BROADDUS:

8 Q. This particular one.

9 A. -- Wheatcroft?

10 Q. He said he wasn't doing those things that Officer
11 Schneider said he did.

12 A. A lot of people that are committing crimes tell
13 you that they're not doing anything. Again, it's the
14 totality of the circumstances that are going on.

15 Q. I'm going to continue to play.

16 (Video played.)

17 BY MS. BROADDUS:

18 Q. Stopping at this point. We're at the 4:06 mark.
19 And you've heard and seen a lot of things happen.

20 Did you hear a lot of the screaming of the
21 kids in the background?

22 A. Yes, ma'am.

23 Q. At this point you see Mr. Wheatcroft is in
24 handcuffs; is that correct?

25 A. Yes, ma'am.

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1 MR. POPOLIZIO: Form; foundation.

2 THE WITNESS: The officer did not manhandle
3 him. The officer took him into custody. But I can see
4 where a child would be upset seeing their father being
5 arrested, absolutely.

6 BY MS. BROADDUS:

7 Q. You said that were putting him in custody. What
8 was he being put in custody for?

9 **A. At that point in time he was resisting the**
10 **arrest.**

11 Q. I'm going to continue to play.

12 (Video played.)

13 BY MS. BROADDUS:

14 Q. I'm stopping at the 4:55 point. In your report
15 you note that he is -- Mr. Wheatcroft is prone on the
16 ground. I believe you have that --

17 **A. Yes, ma'am, at 14:36.**

18 Q. Yes. So we're just the same in your report that
19 we are in the video, correct?

20 **A. A little bit further, because we're still at**
21 **14:35, but he stayed prone on the ground, and you'll see**
22 **that in 14:36.**

23 Q. And based on your report, you end up saying that
24 the male suspect is complying with Officer Fernandez. Do
25 you see that in your report?

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1 **A. Correct.**

2 (Video played.)

3 BY MS. BROADDUS:

4 Q. I'm going to stop at the 5:03 point. I'm going
5 to back it up a little bit, if you don't mind.

6 **A. Where are we going back to, ma'am?**

7 Q. I'm starting back at 4:35 just to go through it
8 again --

9 **A. Yes, ma'am.**

10 Q. -- because things happen pretty quickly.

11 (Video played.)

12 BY MS. BROADDUS:

13 Q. I'm stopping at this 4:38 point because until
14 then, the last thing we saw was Mr. Wheatcroft on the
15 ground, and he was laying there prone with his feet
16 together, correct?

17 **A. I think that comes up after this.**

18 (Video played.)

19 THE WITNESS: I thought it was further ahead
20 than that.

21 BY MS. BROADDUS:

22 Q. Yeah, so we're at the 4:55 point. And at some
23 point we're going to see where his feet are moving. And I
24 want to know if you see what caused his feet to move. If
25 you could watch for that, please. Okay?

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1 (Video played.)

2 BY MS. BROADDUS:

3 Q. Stopping at the 5:04 point, you saw
4 Mr. Wheatcroft's feet moving at that point, correct?

5 **A. Yes, ma'am.**

6 Q. Do you know what caused his feet to move?

7 **A. I can't tell you specifically what caused his**
8 **feet to move. I can give you my examination as to what my**
9 **expectation was as to why his feet moved.**

10 Q. Is it fair to say that you don't know because
11 there's no video of it whether Mr. Wheatcroft randomly was
12 kicking his feet or whether something happened to cause
13 him to kick his feet?

14 **A. True.**

15 Q. Okay. Let's go a little further. We're starting
16 at the 5:04 point, and at this point we're going to go
17 forward and you're going to see Officer Schneider pull
18 down Mr. Wheatcroft's pants.

19 (Video played.)

20 BY MS. BROADDUS:

21 Q. At this point, we're at the 5:06 point -- mark,
22 and you can see that -- you could start to hear the Taser
23 clicking. Do you hear that?

24 **A. I did, ma'am.**

25 Q. And you see Mr. Wheatcroft's pants are pulled

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1 down, true?

2 **A. Yes, ma'am, his shorts.**

3 Q. I'm sorry. Yes, his shorts.

4 **A. Yes, ma'am.**

5 Q. And his money is still in his hand. Do you see
6 that?

7 **A. Yeah. He doesn't want to let that go, does he,**
8 **ma'am?**

9 Q. And it looks like his fingers are extended and
10 he's -- I'll just continue to play.

11 (Video played.)

12 BY MS. BROADDUS:

13 **Q. Could you tell by your review of that video**
14 **exactly where he is being tased?**

15 **A. It appeared that he was being tased in the upper**
16 **thigh.**

17 Q. Mr. Wheatcroft says he was testified [verbatim]
18 in the testicles.

19 Do you have anything independently to say
20 that he was not?

21 MR. POPOLIZIO: Form.

22 THE WITNESS: No, ma'am.

23 (Video played.)

24 BY MS. BROADDUS:

25 Q. I'm going to stop this video for a moment.

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1 MS. BROADDUS: Object to form; foundation.
 2 THE WITNESS: I think the way the vehicle
 3 stopped -- but the officers actually walking up towards
 4 that vehicle would make me believe that they were going to
 5 be contacted in that vehicle.
 6 BY MR. POPOLIZIO:
 7 Q. When you mean contacted, they were going to talk
 8 to the people in it?
 9 **A. Right. They were, yes, sir.**
 10 Q. This Motel 6, you testified -- actually, to a
 11 question that said, are you familiar with the motel, you
 12 said, oh, yes. Do you remember that?
 13 **A. Yes, sir.**
 14 Q. How are you familiar with this particular Motel 6
 15 in Glendale?
 16 **A. I've worked for Glendale for almost 22 years.**
 17 **I've worked nothing but the south side, except for four**
 18 **weeks of my career.**
 19 **This motel is notorious, would be the word**
 20 **that I would use, for drug deals, drug action,**
 21 **prostitution, gang activities. We've had homicide -- let**
 22 **me back that up. I don't know if we had a homicide there,**
 23 **We've had shootings there. I don't know if they died from**
 24 **those shootings. We've had stabbings there. We've**
 25 **recently had a rape there. It's just a motel that seems**

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1 **to perpetuate crime.**
 2 Q. Do you know if there's a blanket trespass
 3 agreement between Motel 6 and Glendale P.D.?
 4 **A. Yes, sir.**
 5 Q. And that's at this particular motel?
 6 **A. I believe that's the only Motel 6 inside the city**
 7 **limits. But there is a blanket trespass at that Motel 6.**
 8 Q. At the time of this incident was the blanket
 9 trespass agreement in effect?
 10 MS. BROADDUS: Object to form; foundation.
 11 THE WITNESS: I can't tell you whether it
 12 was, but I don't know of any time that one wasn't.
 13 BY MR. POPOLIZIO:
 14 Q. And how does a blanket trespass agreement,
 15 specifically this one here at Motel 6, how does it work?
 16 **A. If we make contact with somebody in the parking**
 17 **lot that is either not residing there or not -- I guess**
 18 **you'd call them a guest in a room, we find out from**
 19 **management that they're not supposed to be there. And at**
 20 **that time it can either be an automatic submittal or an**
 21 **arrest. It could be -- obviously, you could detain them**
 22 **to find this information out, or you would escort them off**
 23 **the property.**
 24 Q. Under this agreement you can approach individuals
 25 on the premises and ask them if they're staying there,

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1 right?
 2 **A. Yes.**
 3 MS. BROADDUS: Object to form and
 4 foundation.
 5 THE WITNESS: Yes.
 6 BY MR. POPOLIZIO:
 7 Q. During your examination earlier you were asked
 8 about the movement of Johnny Wheatcroft's legs. Do you
 9 remember that?
 10 When he was on the ground.
 11 **A. In the seat belt?**
 12 Q. No. Let's go -- that's not what I'm going to
 13 focus on.
 14 So when his shorts came down, at that point,
 15 around that point when he was on the ground after he was
 16 cuffed --
 17 **A. Yes, sir.**
 18 Q. -- you were asked questions about why he moved
 19 his legs, specifically what caused him to move his legs.
 20 Do you remember that?
 21 **A. Yes, sir.**
 22 Q. And you said something to the effect that you can
 23 give your examination of what caused him to move his legs.
 24 Do you recall that?
 25 **A. Yes, sir.**

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1 Q. What did you mean by that? Could you tell me
 2 what you were going to say.
 3 **A. When I was --**
 4 MS. BROADDUS: Form; foundation.
 5 MR. POPOLIZIO: Go ahead.
 6 MS. BROADDUS: Go ahead.
 7 THE WITNESS: When I was doing my video
 8 overview -- well, I actually had two screens set up. I'm
 9 watching the screens simultaneously; the Motel 6 screen,
 10 Officer Schneider's screen. At the moment -- first of
 11 all, earlier when Officer Schneider was telling the female
 12 to get out of the car because she struck Officer Lindsey
 13 in the head, Mr. Wheatcroft said initially, no, she
 14 didn't, and then she didn't mean to do that. He seemed to
 15 be upset that his wife was now being contacted with the
 16 police.
 17 She moves over to what would be the east
 18 wall, and then Officer -- or Mr. Wheatcroft's on the
 19 ground with Officer Fernandez. Officer Lewis shows up,
 20 and Officer Schneider provides him with a briefing of what
 21 needs to be done. He needs the female to be detained for
 22 aggravated assault on a police officer. Officer Lewis
 23 goes over to detain the female.
 24 As I'm watching the video, the moment he
 25 picks up the female to detain her was the same moment that

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1 Mr. Wheatcroft's legs swept back and struck Officer
2 Schneider.

3 BY MR. POPOLIZIO:

4 Q. When an officer is about to detain someone, does
5 the officer have to tell the individual who's about to be
6 detained that they're about to be detained?

7 A. No. In our training we would prefer them not to
8 tell them that.

9 Q. Why?

10 A. We would prefer the officer to have control over
11 the suspect before telling them that so that it's less of
12 an opportunity for an altercation to occur.

13 Q. What do you mean by altercation? Do you mean
14 something physical to occur between that individual who's
15 about to be detained and the officer?

16 A. Correct.

17 Q. Now, with regard to Officer Schneider's opening
18 the door to the Taurus, you remember from your view of the
19 video that there's a certain point in time that Officer
20 Schneider opens the passenger door? Do you recall that?

21 A. He does, sir.

22 Q. Is it okay -- given your experience and that
23 you've trained -- and I know that you don't like to use
24 the word "expert," but given your experience as a police
25 officer of almost 30 years --

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1 A. Almost 30 years.

2 Q. -- and as a police officer who's trained officers
3 on defensive tactics and everything that you've told us,
4 is it okay for Officer Schneider to open the door at that
5 point in time?

6 MS. BROADDUS: Object to form; foundation.

7 THE WITNESS: It is reasonable for an
8 officer, if he wants to get a better view -- because of
9 what he's seeing happening inside that car, to get a
10 better view, it would be reasonable for an officer to open
11 that door.

12 BY MR. POPOLIZIO:

13 Q. I believe at the 2:59 mark when the video was
14 stopped, you testified that around that point Officer --
15 excuse me -- Mr. Wheatcroft would have the right to leave.
16 Do you remember that?

17 A. I believe what was asked of me, would he -- would
18 the passenger be allowed to leave if -- if he had not
19 broken a law or something along those lines. And I said,
20 yes, a passenger of a vehicle can leave a traffic stop.

21 Q. After Mr. Wheatcroft reached into his bag,
22 according to what Officer Schneider said, okay, and then
23 reached between the seats or stuffed something between the
24 seats, according to what Officer Schneider said, did
25 Mr. Wheatcroft at that point have the right to leave?

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1 A. I believe that a reasonable police officer would
2 believe there's a suspicion of a crime. I would have
3 believed the same, and I would not have allow him to leave
4 at that point in time.

5 Q. Does officer safety come into play at that point
6 also?

7 A. Absolutely.

8 MS. BROADDUS: Form.

9 BY MR. POPOLIZIO:

10 Q. How so?

11 A. Well, reaching into a bag, there could be a
12 weapon in the bag. That's a common place people put
13 weapons, is in bags. Also, between the seat is an
14 extremely common place, between the console and the seat.
15 That's an extremely common place for handguns, knives to
16 be kept.

17 Q. Well, let me just follow up on what you just
18 said.

19 When you train officers at Glendale, do you
20 train officers to be aware of the possibility that weapons
21 could be in a car that they stopped?

22 A. Yes. We train -- we train them to watch the
23 hands. That's your priority out there, watch the
24 suspect's hands. That's what's going to hurt you first,
25 is the hands.

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1 On top of that, when we train where there's
2 different areas where somebody can reach to, what the
3 common places are of reaching in a car, we also teach
4 where weapons could be placed on a person. And we
5 actually did that in 2018. It might even be this year
6 that we're doing that. In fact, it is this year, 2019,
7 where, in one of our trainings that we're going to
8 advanced officer training, it's called a sport technique
9 where you're taking somebody out of a car that's not being
10 -- that's not be compliant. It's a compliance technique.
11 Otherwise, the person is completely compliant.

12 But we want to have control over them. I
13 told you that earlier, that we want to have control of
14 somebody before we tell them they're under arrest. So we
15 put them in a position where we put them in a wrist lock,
16 we bring them out of the car, we handcuff them.

17 And part of that scenario when I developed
18 it was to hide weapons on the person in the car, so that
19 they do a complete pat-down and find those weapons.

20 So we not only teach in the compartment but
21 on the person to do that.

22 Q. Go back to when Officer Schneider opened the door
23 to the Taurus, do you recall if Johnny Wheatcroft did
24 anything with his right foot?

25 A. Yeah, he stepped out of the car.

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1 Q. Was he asked to do that from your review of the
2 video?

3 A. No, sir.

4 Q. Did you hear any command for him to do that?

5 A. No, sir.

6 Q. Is that significant to you as an officer with
7 your experience and also as a trainer of officers?

8 A. Yes. That would heighten my awareness that
9 either he's going to try to get out of the car on me
10 before I'm ready. It gives him the ability to have
11 balance on the ground. And that balance on the ground is
12 not what I'm wanting at this point in time because I don't
13 have control of him.

14 Q. Now, in your review of the video footage, you
15 reviewed Officer Schneider's body-worn camera footage,
16 right?

17 A. Yes.

18 Q. You reviewed the Motel 6 footage of this
19 incident, right?

20 A. Yes, sir.

21 Q. You reviewed footage from the body-worn camera of
22 Officer Lindsey, right?

23 A. Yes, sir.

24 Q. Officer Lindsey's body-worn camera was somewhat
25 limited, though?

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1 A. Extremely limited, sir.

2 Q. And that was because why?

3 MS. BROADDUS: Object to form.

4 THE WITNESS: He was basically hit in the
5 head with an object and was basically out of the picture.
6 His body-worn camera, for the most part, was showing me
7 the sky or the ground.

8 BY MR. POPOLIZIO:

9 Q. But in the other video footage, the Motel 6
10 footage and the body-worn camera footage of Officer
11 Schneider that you reviewed, according to what we saw in
12 video footage, did Johnny Wheatcroft's physical resistance
13 have to be overcome at any time?

14 MS. BROADDUS: Object to form; foundation.

15 THE WITNESS: Yes.

16 BY MR. POPOLIZIO:

17 Q. How so?

18 A. At a point in time when Officer Schneider was
19 detaining him, it was clear to me that he was resisting.
20 You could see him pulling. Officer Schneider even
21 mentions in the video -- which is what I stated earlier.
22 I look for things that I hear, things that I don't hear.
23 Officer Schneider clearly said, "He's
24 tensing up." That's an indication of fight or flight that
25 we're going -- we're going to get in an altercation at

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1 this point in time. At that point in time, he's going to
2 be detained as he starts resisting.

3 There was no arm bar put on him to control
4 him in the car. The Taser was applied to try to gain
5 compliance by the two drive stuns by Officer Lindsey.
6 Officer Lindsey then was out of the picture. The two
7 drive stuns -- and then shortly after that he was laying
8 behind the other vehicle that you saw in the video parked
9 beside the suspect's vehicle.

10 The scene is now completely out of control.
11 We have an officer down. I don't know if Officer Lindsey
12 really saw how that happened. I don't know. I
13 couldn't -- you can't see it unless you watch the Motel 6
14 video. You can't see from Officer Lindsey's -- or Officer
15 Schneider's video.

16 But the suspect that they're trying to
17 detain is still not detained. That's when the Taser was
18 applied, the probes were deployed. Didn't have the effect
19 that they were expecting it to have, even though you could
20 clearly hear him holding down the Taser. And the Taser
21 was not acting appropriately. You could hear in the
22 background of the video it's clicking; click, click,
23 click. That's not how a Taser should sound.

24 We do train to cuff under power. That is
25 what appeared to be trying to happen with

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1 Officer Fernandez when he came up there, is to cuff under
2 power. It limits the resistance that you can have
3 cuffing.

4 They were able to get him over, but you can
5 clearly see him still resisting some of what's going on
6 with Officer Fernandez, but I can't tell how much. You
7 heard Officer Fernandez say a few things, but the video of
8 Officer Schneider at that point in time covered it up.
9 And then ultimately he was handcuffed. But at some point
10 in time the resistance had to be overcome by the officers
11 to detain him.

12 Q. During this particular traffic stop -- I'll call
13 it the stop of the Taurus in this incident -- do your
14 officers have a right to be safe at a stop?

15 MS. BROADDUS: Object to form.

16 THE WITNESS: Yes, sir.

17 BY MR. POPOLIZIO:

18 Q. How so? Could you explain that to me.

19 A. Well, everybody has a right to be safe. They
20 have a right to conduct an investigation safely. If an
21 officer feels that there's something going on in the car
22 that's unsafe, that officer has a right to remove that
23 person from what he feels is the environment he's unsafe
24 in.

25 And that's what I think Officer Schneider

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1 had a right to do. Mr. Wheatcroft, I think, had reached
2 into a bag. You can actually see in the one video --
3 again, I don't know what Officer Schneider saw because I
4 don't see his -- I cannot see what he's looking at, but on
5 the one video you can see where Mr. Wheatcroft is actually
6 holding up the bag in the Motel 6 video.

7 **Now, at that point in time Officer Schneider**
8 **is in the back of car, but he may have been able to see**
9 **it. I don't know. He clearly sees him reaching into the**
10 **bag. He clearly says, quit reaching between the seats.**

11 **We know this is a dangerous area. We know**
12 **that suspects put weapons -- they put things in bags, they**
13 **put things in between seats. It's going to heighten his**
14 **awareness. And if that was me on the traffic stop, I**
15 **would have also removed Mr. Wheatcroft from that car.**

16 Q. From your review of the video footage of this
17 incident, did you see anything in the video footage that
18 you reviewed that would indicate that any officer on the
19 scene used a Taser to make Mr. Wheatcroft produce his ID?

20 **A. None, sir.**

21 MS. BROADDUS: Object to form.

22 THE WITNESS: Sorry.

23 BY MR. POPOLIZIO:

24 Q. Given your review of the video footage of this
25 incident, did you hear anything that would indicate that

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1 any officer on the scene was using his Taser to make
2 Mr. Wheatcroft produce his ID?

3 MS. BROADDUS: Object to form.

4 THE WITNESS: No, sir.

5 BY MR. POPOLIZIO:

6 Q. When Officer Schneider told Mr. Wheatcroft not to
7 reach in his bag, okay, was that a lawful command?

8 **A. Yes.**

9 Q. Why?

10 **A. He's got a right to be safe with that vehicle**
11 **during that stop.**

12 Q. How about when Officer Schneider told
13 Mr. Wheatcroft not to stuff anything between the seat; was
14 that a lawful command?

15 **A. Yes, sir.**

16 Q. Why?

17 **A. Again, he has a right to be safe at that stop.**

18 Q. Does this go to what you were talking about a
19 little earlier about what may be in a vehicle?

20 **A. Correct. There could be weapons or anything that**
21 **they're stuffing or trying to -- they may already be**
22 **stuffed in there and they're trying to get access to it.**

23 Q. And here you have how many adults in the vehicle?

24 **A. Three adults.**

25 Q. Do you know how many children were in the

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1 vehicle?

2 **A. I do now, yes, sir.**

3 Q. How many?

4 **A. There was two.**

5 Q. Let me ask you this: You've been an officer for
6 almost three decades?

7 **A. Yes.**

8 Q. How many traffic stops do you think you've
9 conducted?

10 **A. Thousands.**

11 Q. When you conduct a traffic stop, are you ever
12 concerned about what might be in the vehicle?

13 **A. Absolutely, sir.**

14 Q. Do you always know what could be in a vehicle
15 that you approach?

16 **A. No, sir.**

17 Q. Do you train officers to think about worst-case
18 scenarios of what might be in a vehicle that they conduct
19 a traffic stop on?

20 MS. BROADDUS: Object to form.

21 THE WITNESS: We train officers in every
22 situation, or try to get them in as many different
23 situations as you can. Anywhere from a lethal force
24 encounter to a passive, to the point where they're so
25 passive all they'll do is crack the window and throw their

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1 paperwork out the window. So we train all those gamuts in
2 between.

3 BY MR. POPOLIZIO:

4 Q. With regard to what's been referred to as your
5 report, which is Exhibit 41, but I know you've referred to
6 it as your memo.

7 **A. It is a memo, sir.**

8 Q. Okay. So with regard to your memo, you said that
9 you authored that memo after you had reviewed the video
10 footage that was provided to you regarding this incident,
11 right?

12 **A. Yes, sir.**

13 Q. And you reviewed that footage for eight hours or
14 so?

15 **A. The total time from when I sat down, the video,**
16 **going through policy was eight hours by the time I was**
17 **done writing this thing.**

18 Q. When you completed your memo, it was after that
19 when you talked to certain individuals at Glendale Police
20 Department, right?

21 **A. Yes. This memo was complete prior to talking to**
22 **anybody else.**

23 Q. And you said you talked to Sergeant Moody, right?

24 **A. I recall talking to Sergeant Moody, yes, sir.**

25 Q. About your findings?

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1 **A. Yes, sir.**

2 Q. Chief -- then Chief St. John?

3 **A. Correct, sir.**

4 Q. And was it Assistant Chief Briggs?

5 **A. I recall having a conversation with Assistant**
6 **Chief Briggs, and I do believe it was on this incident.**

7 Q. After you had those -- anybody else, by the way?

8 Sorry.

9 **A. I don't recall at this point in time talking to**
10 **anybody else. But what I would say is Sergeant Johnson**
11 **may have been there when I was talking to Sergeant Moody.**
12 **But my priority was to Sergeant Moody because he was the**
13 **investigating sergeant.**

14 Q. After you completed this memo that's marked as
15 Exhibit 41 to your deposition, and then you spoke to the
16 individuals that you've just indicated to whom you spoke,
17 did you change this memo in any way?

18 **A. No, sir.**

19 Q. Did anybody tell you to change this memo?

20 **A. No, sir.**

21 Q. You're a master Taser instructor?

22 **A. Yes, sir.**

23 Q. What does that entail?

24 **A. To become a master Taser instructor you have to**
25 **fill out an application. In that application you have to**

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1 **have trained at least 12, what they call user classes, to**
2 **put in the application. The application has to be**
3 **accepted by AXON or the subsidiary of Taser.**

4 **Taser master school is a five-day school.**
5 **The first time you go through Taser school, at least when**
6 **I went through it originally, you had to get Tased. It**
7 **was part of the process of becoming a master.**

8 **You go through how -- the entire policy.**
9 **You have to do instruction back to other master -- what**
10 **they call senior master instructors. You have to give**
11 **teach-backs to them. You go through a ton of drills. You**
12 **have to do teach-back on all the drills, on the weapon**
13 **system for the user end -- on the user end, and then they**
14 **have to sign off that you are now a master Taser.**

15 Q. At Glendale Police Department are you the only
16 master Taser instructor?

17 **A. No, sir.**

18 Q. So there are others, actually, since you answered
19 no. So how many others?

20 **A. There's a total of three master Taser instructors**
21 **at Glendale.**

22 Q. Including you?

23 **A. Including me, yes.**

24 Q. So who are the two others?

25 **A. An officer that used to work for me, Detective --**

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1 **not detective -- Officer Brian Ong. He is my lead**
2 **defensive tactics instructor. And Sergeant Pat Beumler is**
3 **the other master Taser instructor.**

4 Q. Do you three provide Taser instructions to
5 officers at the Glendale Police Department?

6 **A. The three of us are -- we train all the**
7 **instructors. There's approximately 20 additional Taser**
8 **instructors at the Glendale Police Department. We train**
9 **all 20 Taser instructors to then help us train the rest of**
10 **the 430 officers of the Glendale Police Department.**

11 Q. Earlier in your deposition there was some
12 discussion about other instructors at Glendale Police
13 Department asking about the functionality of Officer
14 Schneider's Taser during this incident. Do you recall
15 that?

16 **A. Yes, sir.**

17 Q. So I think you testified, and correct me if I'm
18 wrong, that the discussions about Officer Schneider's
19 Taser was about whether it was working properly; is that
20 right?

21 **A. That was the main discussion, yes, sir.**

22 **Q. From what you could see and hear on the video**
23 **footage that you reviewed regarding this incident, is**
24 **there anything from your view of that that would lead you**
25 **to believe that Officer Schneider's Taser wasn't**

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1 **functioning properly?**

2 **MS. BROADDUS: Object to form; foundation.**

3 **BY MR. POPOLIZIO:**

4 **Q. Go ahead.**

5 **A. Yes, sir.**

6 **Q. And what is that?**

7 **MS. BROADDUS: Same objection.**

8 **THE WITNESS: In the one part of the video,**
9 **and I don't know exactly what area of that video it was,**
10 **you can clearly hear the Taser going click, click, click,**
11 **click. That means that the Taser is not working properly.**
12 **The Tasers have a rattling sound. A low-pitch rattling**
13 **sound or a muffled rattling sound means that energy is**
14 **being delivered. A high-pitch rattling sound -- I'm using**
15 **rattling as a verbiage here; it's electrical current --**
16 **would mean that the Taser is not providing energy into a**
17 **subject.**

18 **The click, click, clicking is an indication**
19 **to me that there's something wrong with the condenser**
20 **inside the Taser itself or with the battery not having**
21 **enough energy to keep the Taser operating properly.**

22 **BY MR. POPOLIZIO:**

23 **Q. Now, in order to do this memo that's marked as**
24 **Exhibit 41 to your deposition, you didn't review Taser**
25 **logs, right?**

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1 **A. To do this memo?**
 2 Q. Yes.
 3 **A. No, sir. I was not provided Taser logs.**
 4 Q. Subsequent to your authoring this memo, which is
 5 Exhibit 41 to your deposition, did you have a chance to
 6 review the Taser logs with regard to the Tasers used in
 7 this incident?
 8 MS. BROADDUS: Object to form.
 9 BY MR. POPOLIZIO:
 10 Q. Did you?
 11 **A. Yes, sir. During the FBI interview that I had,**
 12 **they actually had Taser logs and asked me to look at them**
 13 **at that point in time. That was the first time that I saw**
 14 **the Taser logs.**
 15 Q. Did you look at them at their request?
 16 **A. At their request.**
 17 Q. Did you share your thoughts with the FBI with
 18 regard to what these Taser logs showed?
 19 **A. Yes, sir.**
 20 Q. What did you share with them?
 21 MS. BROADDUS: Object to form and
 22 foundation.
 23 BY MR. POPOLIZIO:
 24 Q. I think you know what you shared with them so go
 25 ahead.

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1 MS. BROADDUS: Same objection.
 2 THE WITNESS: On the initial -- the initial
 3 probe deployment, Officer Schneider's -- and I'm going off
 4 of memory here, sir; I believe it was the first second and
 5 a half that showed on the pulse rate logs that he was
 6 within 50 to 60 microcoulombs, which is delivering energy.
 7 After that, he had dropped way below there, or to zero,
 8 which means that there was no energy being delivered to
 9 the subject in question.
 10 BY MR. POPOLIZIO:
 11 Q. And that was for from Schneider's --
 12 **A. That was Schneider's log. Sir, I don't remember**
 13 **seeing anything but Schneider's logs.**
 14 Q. Okay. That was shown to you by the FBI?
 15 **A. Yes, sir.**
 16 Q. Now, let me ask you, earlier you said that you
 17 didn't capture any still shots from the video that you
 18 reviewed; is that right?
 19 **A. I did not capture any still shots.**
 20 Q. Is there a reason why you did not do that?
 21 **A. Yeah. When you're looking at the video you can't**
 22 **still shot it and make a decision on the still shot. When**
 23 **you're talking about reasonability here, you're looking at**
 24 **the totality of the incident that's at hand. I can slow**
 25 **it down and back it up to see if I'm hearing or seeing**

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1 **what I'm seeing. But you have to look at the totality of**
 2 **everything that's going on at that time, not a moment in**
 3 **time, but the totality of what has occurred.**
 4 Q. Did there come a time when you actually saw a
 5 still shot of any portion of this video?
 6 **A. That was provided to me by the FBI.**
 7 Q. What the was still shot that they showed you?
 8 **A. Mr. Wheatcroft was laying on the ground. He**
 9 **was -- it was when his back was in the doorframe of the**
 10 **car. His feet were towards Officer Schneider. The probe**
 11 **had been -- or the Taser had been deployed and the probes**
 12 **were out of the Taser. Laying immediately to his west was**
 13 **one of the probes.**
 14 Q. When you mean west, you mean left?
 15 **A. Left, yeah. If I'm laying this way, it would**
 16 **have been to his left right here.**
 17 **It was circled, and they asked me what that**
 18 **was, and I told them that was a Taser probe.**
 19 Q. Just for clarification of the record, a Taser
 20 probe is what?
 21 **A. A Taser probe is -- it looks like a straight fish**
 22 **hook, if you can think about it that way. It's barbed.**
 23 **So it's got about this long of a shank, about that long of**
 24 **a barb that's straight, and it looks very similar to a**
 25 **fish hook, a barb but not rounded. So that when it goes**

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1 **into somebody it kind of stays in them. It gives a little**
 2 **tug so it will stay into them.**
 3 **I would say -- I'd have the exact number if**
 4 **I had my Taser book with me -- it's roughly a half an**
 5 **inch.**
 6 Q. The fact that a Taser probe was found on the
 7 ground to the left of Mr. Wheatcroft, as a master Taser
 8 instructor, is that significant to you?
 9 MS. BROADDUS: Object to form; foundation.
 10 BY MR. POPOLIZIO:
 11 Q. Go ahead.
 12 **A. Yes.**
 13 Q. What is the significance of that?
 14 MS. BROADDUS: Same objections.
 15 BY MR. POPOLIZIO:
 16 Q. Okay. Go ahead.
 17 **A. Without the two probes being in -- connected to**
 18 **the person, no energy will be delivered. You don't have**
 19 **your positive and negatives to touch each other.**
 20 Q. Dumb question, but I'm going to go ask it.
 21 What's the significance of no energy being delivered?
 22 **A. You won't have neuromuscular incapacitation. You**
 23 **don't have pain compliance. There's nothing going on.**
 24 MR. POPOLIZIO: Thank you for now. We'll
 25 see if I have follow-up on anything that Ms. Broaddus

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1 Q. Do you think that happened in this case, where
2 Officer Schneider escalated to a high-risk vehicle stop?

3 MR. POPOLIZIO: Form.

4 THE WITNESS: This was not a high-risk
5 vehicle stop, ma'am.

6 BY MS. BROADDUS:

7 Q. Did it escalate into one?

8 A. Not that I saw, ma'am.

9 Q. Earlier you talked about the Motel 6 being a
10 high-crime area. Do you recall that?

11 A. Yes, ma'am.

12 Q. When you're patrolling, do you just assume that
13 all members of the public in those areas are criminals?

14 A. Absolutely not, ma'am.

15 MS. BROADDUS: All right. Those are all the
16 questions I have. Thank you.

17 MR. POPOLIZIO: He'll read and sign.

18 (The deposition concluded at
19 3:40 p.m.)
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1 I, the undersigned, say that I have read the
2 foregoing transcript of testimony taken December 11, 2019,
3 and I declare, under penalty of perjury, that the
4 foregoing is a true and correct transcript of my testimony
5 contained therein.

6
7 EXECUTED this _____ day of _____, 2020.
8
9
10
11
12

13 _____
14 SERGEANT JERRY DEE MCDANIEL
15
16
17
18
19
20
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23
24
25

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1 STATE OF ARIZONA)

) ss.

2 COUNTY OF MARICOPA)

3 BE IT KNOWN that the foregoing proceedings were
4 taken before me; that the witness before testifying was
5 duly sworn by me to testify to the whole truth; that the
6 questions propounded to the witness and the answers of the
7 witness thereto were taken down by me in shorthand and
8 thereafter transcribed through computer-aided
9 transcription under my direction; that the foregoing is a
10 true and correct transcript of all proceedings had upon
11 the taking of said proceedings, all done to the best of my
12 skill and ability.

13 I CERTIFY that I am in no way related to nor
14 employed by any of the parties hereto nor am I in any way
15 interested in the outcome hereof.

16 (X) Review and signature was requested.

17 () Review and signature was waived.

18 () Review and signature was not requested.

19 I CERTIFY that I have complied with the ethical
20 obligations set forth in ACJA Sections 7-206(F)(3) and
21 7-206(J)(1)(g)(1) and (2). DATED at Scottsdale, Arizona,
22 this 20th day of January, 2020.
23

24 _____
25 MONICA S. BERRY, RPR, CR
Certified Reporter
Arizona CR No. 50234

26 * * * * *
27 I CERTIFY that Berry & Associates, LLC has
28 complied with the ethical obligations set forth in ACJA
29 Sections 7-206(J)(1)(g)(1) and (6).
30

31 _____
32 BERRY & ASSOCIATES, LLC
33 Registered Reporting Firm
34 Arizona RRF No. R1033
35

EXHIBIT 11



BURCH & CRACCHIOLO

Ralph D. Harris
Direct Line: 602.234.9924
Direct Fax: 602.343.7924
RHarris@bcattorneys.com

June 17, 2019

VIA U.S. MAIL AND EMAIL: jody@attorneysforfreedom.com

Jody L. Broaddus, Esq.
3185 S. Price Road
Chandler, AZ 85248

Re: Johnny Wheatcroft, et al. v. City of Glendale, et al.
U. S. District Court Civil Action No. 2:18-cv-02347

Dear Ms. Broaddus,

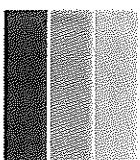
We represent S & H Hospitality, LLC ("S&H"). You recently served two subpoenas that pertain to an incident that previously occurred at the Hotel 6 owned by S&H. For clarity we attach them. One of those subpoenas was to "H & S Hospitality, LLC" which we will assume was intended to be issued to S&H. The other of those subpoenas was to Motel 6 – Glendale, which is not a valid legal entity but is, rather, a location. The subpoenaed documents requested by both subpoenas are the same. We will respond to your requests on behalf of S&H. Without waiving any objections for ambiguity and overbreadth, our client's response is as follows:

A. We have an existing Blanket trespassing agreement with Glendale Police, since 2016. However, previous year agreements were destroyed upon signing of each new subsequent agreement. Thus, we only have documentation for our most recent agreement, which we will produce by attaching it to this letter response to the subpoenas. This agreement is in force from August 30, 2018 to August 30, 2019. We do not have any other agreements with Glendale police or other law enforcement agencies.

B. The blanket trespass referenced in section A, above, is the only document we have available that would potentially be responsive to request B.

C. We have no relevant surveillance footage. Glendale police called the hotel directly to request all video recordings of the footage on July 27, 2017. Our DVR does not record more than 10-14 days, so it is not possible at this time to recover any video footage more than 7 days old.

D. Officer Tiffany Ngalula from Glendale Police Department sent us an email on February 12, 2019, requesting a signed copy of our existing and



WHEATCROFT000036

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Jody L. Broaddus, Esq.
June 17, 2019
Page 2

valid Blanket Trespass agreement applicable during the date of July 26, 2017. We called her back, and let her know we did not have the documentation and that it was destroyed. Her email is attached.

E. We have not had any communication with the Federal Bureau of Investigation.

F. No records exist in our possession for the police incident that occurred on July 26, 2017 at approximately 7:30 pm, other than an email discussed in section D from Officer Tiffany Ngalula.

Sincerely,

Ralph D. Harris

RDH:mw
Attachments
cc: S & H Hospitality, LLC

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT

for the
District of Arizona

Johnny Wheatcroft, et al.,

Plaintiff

v.

City of Glendale, et al.

Defendant

Civil Action No. 2:18-cv-02347

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: Motel 6 - Glendale (7116 N. 59th Ave., Glendale, AZ 85301)

(Name of person to whom this subpoena is directed)

☒ **Production:** YOU ARE COMMANDED to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: See Exhibit A

Place: 3185 South Price Road
Chandler, Arizona 85248

Date and Time:

06/17/2019 10:00 am

☐ **Inspection of Premises:** YOU ARE COMMANDED to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:

Date and Time:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: _____

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing (name of party) Plaintiff
Johnny Wheatcroft, who issues or requests this subpoena, are:

Jody L. Broadus, 3185 S. Price Rd., Chandler, AZ 85248, jody@attorneysforfreedom.com, 480-455-6229

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

AO 85B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (Page 3)

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)**(c) Place of Compliance.**

(1) *For a Trial, Hearing, or Deposition.* A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
 - (ii) is commanded to attend a trial and would not incur substantial expense.

(2) *For Other Discovery.* A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
- (B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

- (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unstated expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) *Claiming Privilege or Protection.*

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) *Contempt.*

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

For access to subpoena materials, see Fed. R. Civ. P. 45(a) Committee Note (2013).

Exhibit A
Attachment to Subpoena

You are requested to produce and deliver to the Attorneys For Freedom Law Firm any and all records that you have in your possession concerning *Wheatcroft, et al, v. City of Glendale, et al.*, docket number 2:18-cv-02347, United States District Court, as listed below:

- A. Any agreement of any kind between Motel 6 and the City of Glendale, Glendale Police Department or any other law enforcement agency, representative, or individual with regard to Glendale, Arizona from 2016 to present.
- B. Any document indicating any "blanket trespass" authorization for Glendale Police Department officers from 2016 to present.
- C. All surveillance footage of the exterior of the premises (7116 North 59th Avenue, Glendale, Arizona 85301) captured from 7:00 p.m. to 8:00 p.m. on July 26, 2017.
- D. All communications, including emails, phone calls, texts, notes, letters, or messages of any sorts, with the City of Glendale, Glendale Police Department or any other law enforcement agency, representative, or individual with regard to Glendale, Arizona and the police incident that occurred on July 26, 2017 at approximately 7:30 p.m.
- E. All communications, including emails, phone calls, texts, notes, letters, or messages of any sorts, with the Federal Bureau of Investigations with regard to the police incident that occurred on July 26, 2017 at approximately 7:30 p.m.
- F. Any document relating in any way to the police incident that occurred on July 26, 2017 at approximately 7:30 p.m.

WHEATCROFT000041

AO 68B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT
for the
District of Arizona

Johnny Wheatcroft, et al.,)	
Plaintiff)	
v.)	Civil Action No. 2:18-cv-02347
City of Glendale, et al.)	
Defendant)	

**SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION**

To: H & S Hospitality, LLC (Stat Agent: Hiren Patel, 7116 N. 59th Ave., Glendale, AZ 85301)

(Name of person to whom this subpoena is directed)

Production: YOU ARE COMMANDED to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: See Exhibit A

Place: 3185 South Price Road Chandler, Arizona 85248	Date and Time: 06/17/2019 10:00 am
---	---------------------------------------

☐ **Inspection of Premises:** YOU ARE COMMANDED to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:	Date and Time:
--------	----------------

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: _____

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing (name of party) _____ Plaintiff
Johnny Wheatcroft _____, who issues or requests this subpoena, are:
Jody L. Broadus, 3185 S. Price Rd., Chandler, AZ 85248, jody@attorneysforfreedom.com, 480-455-5229

Notice to the person who issues or requests this subpoena

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- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

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- B. Any document indicating any "blanket trespass" authorization for Glendale Police Department officers from 2016 to present.
- C. All surveillance footage of the exterior of the premises (7116 North 59th Avenue, Glendale, Arizona 85301) captured from 7:00 p.m. to 8:00 p.m. on July 26, 2017.
- D. All communications, including emails, phone calls, texts, notes, letters, or messages of any sorts, with the City of Glendale, Glendale Police Department or any other law enforcement agency, representative, or individual with regard to Glendale, Arizona and the police incident that occurred on July 26, 2017 at approximately 7:30 p.m.
- E. All communications, including emails, phone calls, texts, notes, letters, or messages of any sorts, with the Federal Bureau of Investigations with regard to the police incident that occurred on July 26, 2017 at approximately 7:30 p.m.
- F. Any document relating in any way to the police incident that occurred on July 26, 2017 at approximately 7:30 p.m.

WHEATCROFT000045



Trespassing Enforcement Authorization Form

Property Address: 7116 N 57TH AVE

Property Description: MOTEL 6

I Hiren Patel am the owner of record, resident or designated agent over the above property.

You can reach me by calling _____ or _____, or my designee

Hiren Patel at phone # 623-939-9431 email: mot6glendale@gmail.com

I hereby give authority to each and every police officer of the **Glendale Police Department** to act as my agent in enforcing the trespassing laws at the above property in accordance with ARS 13-1502 thru 13-1504. Trespassers include those who are not on the premises to visit or conduct lawful business with the management or a resident of the premises. A person commits Criminal Trespass by knowingly:

1. Entering or remaining unlawfully on any real property after a reasonable request to leave the property by the owner or any person having lawful control over the property and/or
2. Are on the premises after a reasonable notice prohibiting entry

By signing, I acknowledge that I agree to assist with prosecution of any individual found in violation of trespassing on my property.

I understand that I am responsible for ensuring that appropriate signs are posted and maintained in order for officers to enforce trespassing. The signs must be placed in a conspicuous location on the property and must have the Arizona Revised Statutes code 13-1502-A1 printed on them.

In the event that I sell the above property, and/or no longer have lawful control, I will notify the **Glendale Police Department** in writing at **6835 N. 57th Drive, Glendale, AZ 85301, ATTENTION: Police Communications**

I acknowledge this form is valid for a period of one year from the date of signature and that I must re-new the trespassing enforcement authorization form by contacting a police representative.

Hiren Patel
Property Owner/Designee (print)

8/30/18
Date

Owner/Designee Signature

C. M. C. 576

Police Representative Name and ID Number

Off. M. C.

8/30/18
Date

Office Use Only

DR _____ Chips _____
Grid _____ Beat _____ CAD _____

City of Glendale Police* 6835 N. 57th Drive, Glendale AZ 85301*(623) 930-3000
Revised 03/08/2017

WHEATCROFT000046

WHEATCROFT000047

Gmail - Blanket Trespass Form for Glendale PD

<https://mail.google.com/mail/u/0?ik=a0450a4837&view=pt&sea...>



HIREN PATEL <hiren.patel1515@gmail.com>

Blanket Trespass Form for Glendale PD

1 message

Ngalula, Tiffany <TNgalula@glendaleaz.com>

Tue, Feb 12, 2019 at 2:09 PM

To: "glendaleinn@yahoo.com" <glendaleinn@yahoo.com>, "hiren.patel1515@gmail.com"

<hiren.patel1515@gmail.com>

Cc: "Roth, John" <JRoth@glendaleaz.com>

Good afternoon,

I just got off the phone with Juanita. She advised the best way to get a hold of you would be to email as you just left the motel. I had Sgt. Jarrod Smith attempting to assist me in getting a copy of the blanket trespass form that was valid during the date of 7/26/2017. I believe it would have been two forms ago. So not this current year, nor last year's, but the previous year for the Motel 6 property located at 7116 N. 59th Ave. Please email me a copy as soon as you can. Thank you so much for your assistance.

Respectfully,

Officer Tiffany Ngalula #13507

Public Information Officer

Glendale Police Department

6835 N. 57th Drive

Glendale, AZ 85301

tngalula@glendaleaz.com

Police_pio@glendaleaz.com

Tues-Fri 7am-5pm

Office: (623) 930-3276

Cell: (623) 694-5333

On Call: (602) 888-3908

EXHIBIT 12

***Non-Electronic
Exhibit - CD
and Filed
Under Seal***

EXHIBIT 13

***Non-Electronic
Exhibit - CD
and Filed
Under Seal***

EXHIBIT 14

1 Joseph J. Papolizio, Bar #017434
2 Justin M. Ackerman, Bar #030726
3 Ian C. Beck, Bar #035599
4 JONES, SKELTON & HOCHULI, P.L.C.
5 40 North Central Avenue, Suite 2700
6 Phoenix, Arizona 85004
7 Telephone: (602) 263-1700
8 Fax: (602) 200-7876
9 jpopolizio@jshfirm.com
10 jackerman@jshfirm.com
11 ibeck@jshfirm.com

12 Attorneys for Defendants

13
14
15 **UNITED STATES DISTRICT COURT**
16 **DISTRICT OF ARIZONA**

17 Johnny Wheatcroft and Anya Chapman, as
18 husband and wife, and on behalf of minors J.W.
19 and B.W.,

20 Plaintiffs,

21 v.

22 City of Glendale, a municipal entity; Matthew
23 Schneider, in his official and individual
24 capacities; Mark Lindsey, in his official and
25 individual capacities; and Michael Fernandez, in
26 his official and individual capacities,

27 Defendants.

NO. 2:18-cv-02347-MTL

**DECLARATION OF MATTHEW
SCHNEIDER**

28 I, Matt Schneider, make the following Declaration:

1. I am over the age of 18 years and have personal knowledge to testify to the matters set forth in this Declaration.
2. This Declaration is intended solely to supplement the testimony given in my deposition on June 1, 2020.
3. As more fully set forth in my deposition in this matter, I was a City of Glendale Police Officer on the date of the incident giving rise to this action.
4. The attached video, taken from my body camera, is a true and accurate depiction of my encounter with Plaintiffs on the evening of July 26, 2017, as captured

1 through my body camera. [Schneider bodycam Video 1 (CoG_WHEATCROFT 00383),
2 attached as **Exhibit A**].

3 5. While my body camera video is attached as Exhibit A generally shows
4 video evidence of my encounter with Plaintiffs, at certain points during Exhibit A, it is
5 difficult to see each and every action occurring between Mr. Wheatcroft and me due to
6 rapidly changing body movements and/or shifting camera angles during the altercation.
7 During those particular portions of the physical confrontation with Mr. Wheatcroft, I provide
8 an account of what occurred, to the best of my recollection.

9 6. When I walked up to the Ford Taurus parked in the Motel 6 on July 26,
10 2017, I observed Mr. Wheatcroft being evasive, hunched over, and attempting to reach his
11 hand into his backpack at his feet.

12 7. Upon seeing this conduct, I became highly concerned for my safety and
13 that of those around me, including the minor children, because I did not know what was
14 inside the vehicle; Mr. Wheatcroft's repeated furtive movements were making me concerned
15 he would reach for a weapon or other unseen dangerous object.

16 8. When I opened the door to the Ford Taurus after Mr. Wheatcroft
17 reached into his backpack and into other areas of the vehicle, I did so to remove Mr.
18 Wheatcroft solely due to safety concerns and concern for the safety of those around me, and
19 not because Mr. Wheatcroft refused to provide his identification or name.

20 9. After I opened the door to the Ford Taurus and Mr. Wheatcroft put his
21 foot outside the car door, which caused me to have a heightened awareness of his actions and
22 increase my concern that Mr. Wheatcroft was a threat because I had not ordered him to get
23 out of the vehicle, nor did I have control over him when he put his foot on the pavement.
24 That is why I instructed Mr. Wheatcroft to keep his foot in the vehicle at this time.

25 10. After I holstered my Taser and after Mr. Wheatcroft told me he was not
26 going to fight with me, he continued to tense his arm, actively resist my attempt to place him
27 in a control hold, and began to shout profanities.

1 11. After I saw Anya Chapman knock out Officer Lindsey, I used my Taser
2 in dart mode against Mr. Wheatcroft in an attempt to control an out of control situation and
3 in to avoid further injury to myself and those around me.

4 12. After Anya Chapman was being taken into custody, Mr. Wheatcroft
5 began fighting with me and the other Officers on scene with renewed vigor and anger. This
6 included the multiple kicks that I received which can be seen on my body worn camera at
7 2:36:00z-2:36:10z.

8 13. During the roughly three minute encounter I had with Johnny
9 Wheatcroft, it was a dynamic and fast moving situation that did not afford me time to
10 deliberate.

11 14. My entire intent behind every action I took with Mr. Wheatcroft was to
12 ensure the safety of myself and those around me.

13 15. I had absolutely no intent to cause either of the minor children any
14 emotional distress or harm during my encounter with Johnny Mr. Wheatcroft on July 26,
15 2017 or otherwise.

16 16. I had absolutely no intent to purposefully interfere with the familial
17 association rights of the Plaintiffs. All actions I took during my encounter with the Plaintiffs
18 were related to legitimate law enforcement objectives, including but not limited to officer
19 safety concerns.

20 17. I was regularly supervised by the City of Glendale. Sgt. LaBrant was my
21 supervisor at the time of the incident. On the day of the incident, however, Sgt. LaBrant was
22 on vacation, so Sargent Rachel Bousman and Lieutenant Nicholas Susurus were on scene as
23 supervisors on the day of the incident.

24 18. During my entire confrontation with Mr. Wheatcroft, my intent was to
25 gain control over a chaotic and violent situation that Mr. Wheatcroft and his wife, Anya
26 Chapman created. I did not have a pre-conceived intent or vendetta at any time prior to or
27 during my confrontation with Mr. Wheatcroft. Rather, I acted with what I believed was my
28

1 lawful authority to control a non-responsive and violent suspect who was resisting my lawful
2 commands and his lawful arrest.

3 19. I declare under penalty of perjury that the foregoing is true and correct.

4
5 Date: 3/25/2021

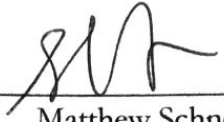
6 By: 
Matthew Schneider

EXHIBIT A

Non-Electronic Exhibit - CD